

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29271 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- ALOULI District- Khagaria

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ONKAR SAH @ ONKAR KUMAR S/o Narayan Sah Resident of Village-
Bhadas, P.S.-Muffasil, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Alauli P.S. Case No. 297/2019 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act,

As per the prosecution case, 724.680 liters of foreign
liquor was recovered from a pick-up van.

It is submitted on behalf of the petitioner that the
pick-up van from which recovery has been made was in
possession of Gholat Sharma, not this petitioner. It is further
submitted that name of the petitioner has come on the basis of
the confessional statement made before the police by the co-
accused Gholat Sharma which has no evidentiary value. It is



next submitted that petitioner is neither the owner of the pick-up van nor the driver and has no concern with the aforesaid recovery. Nothing has been recovered from the conscious possession of the petitioner and has clean antecedent as stated in paragraph No. 3 of the petition.

Considering the aforementioned facts and circumstances, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria, in connection with Alauli P.S. Case No. 297/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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