

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30892 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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SANTOSH SAH, S/o Ram Sevak Sah R/o Village-Bharpura, P.S.-Bibhutipur,
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2021 Heard Mr. Bijay Bhushan Prasad, learned

counsel for the petitioner and learned APP for the

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Case No. 15 of 2020
dated 09.01.2020m instituted for the offences under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.



It appears from the prosecution report that 15.750 litres of liquor was recovered from outside the shop of the petitioner.

The learned counsel for the petitioner has submitted that the recovery is from open place and therefore it cannot be saddled upon him.

He further submits that since the recovery is not from his constructive or physical possession and he is a person of clean antecedents, no case under anyone of the provisions of the Excise Act can, at all, be said to have been made out against him.

Considering the nature of accusation and taking into account the clean antecedents of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction



of the learned Additional Session Judge – II – cum –
Special Judge, Excise, Samastipur, in connection with
Excise Case No. 15 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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