

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1295 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Fool Babu Sah Son Of Shobhit Sah Resident Of Village/ Mohalla- Singhiya
Ward No.13, P.S.- Kalyanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Arun Kumar, the learned Advocate for the

petitioner and Mr. Ram Priya Sharan Singh, the learned APP for

the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Excise Case No.185 of 2020, instituted for the
offences under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2018.

According to the F.I.R., six litres of liquor and two
litres of beer is said to have been recovered from the verandah
of the house which is in joint possession of all the family
members of the petitioner.

The learned Advocate for the petitioner has submitted
that the aforesaid liquor was planted in the verandah of the



common house of the petitioner and his family members.

Had it not been the case, there would have been some attempt on the part of the petitioner to hide the excisable items. One of the seizure list witnesses is inimical to the petitioner and therefore deliberately only the name of the petitioner has been taken in the F.I.R., even though the house is occupied by other family members. The petitioner happens to be a student and at the relevant time, he was not even present at his home, but was prosecuting his studies at Samastipur.

The petitioner does not have criminal antecedent.

It has been submitted on behalf of the petitioner that these facts indicate that the offence under the Excise Act is not made out against the petitioner.

For the afore-stated facts, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge (Excise Act), Samastipur in connection with Excise Case No.185 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



The application stands allowed.

(Ashutosh Kumar, J)

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