

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38179 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- KALUAHI District- Madhubani

SHATRUGHAN SAH S/O LATE SAMRIT SAH R/O Village- Malmal, PS.
Kaluahi, Dist. Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in connection with Kaluahi P.S. Case no.176 of 2022 registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on an information received and a search being conducted, 270 litres of illicit liquor was recovered from a Santro car which was parked in a *Gali*. It is stated that the petitioner is the owner of the said santro car.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his possession.



He has been falsely implicated in the case. The petitioner is in custody since 28.4.2023 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner not having been arrested at the spot, no incriminating article having been recovered from his possession, his being in custody since 28.4.2023 and the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Kaluahi P.S. Case no.176 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge 2nd – cum – Special Judge Excise Act, Madhubani.

(Partha Sarthy, J)

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