

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78245 of 2023

Arising Out of PS. Case No.-612 Year-2023 Thana- Excise P.S. District- Madhubani

Shambhu Sah S/o Lalo Sah R/o Village/Mohalla- Allalpatti, Ward No. 28,
P.S.- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-12-2023 Heard learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Sadar Excise P.S. Case No. 612 of 2023 lodged on 13.09.2020, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted on behalf of the petitioner that while traveling in a tempo, five persons including the petitioner was traveling in the offending tempo and while police detained the said tempo with a view to raiding, all passengers left the place and the petitioner stay there because he is suffering from heart ailment. Police asked his name and he stated his name, thereafter, police recovered total 54.400 litres Nepali country made liquor from the beneath the seat of the said tempo.



4. It is further contended on behalf of the petitioner that the petitioner had no knowledge about seized articles due to heart ailment, he stated his name and police falsely implicated him.

5. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail.

6. On perusal of the application for bail it is ascertained that the petitioner is a young man aged about 27 years and no document has been filed to show that the petitioner has been suffering from heart ailments.

7. Considering the aforesaid facts as well as the defense taken by the petitioner is not sustainable, I am not inclined to enlarge the petitioner on bail at this stage, in connection with Sadar Excise P.S. Case No. 612 of 2023 pending in the court of learned A.D.J.-21, Motihari, East Champaran.

8. Prayer for bail is thus, rejected.

(Bibek Chaudhuri, J)

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