

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36228 of 2016**

Arising Out of PS.Case No. -131 Year- 2016 Thana -RAMPUR District- GAYA

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1. Rocky @ Rakesh Ranjan @ Rakesh Ranjan Yadav S/o Bindi Yadav @ Bindeshwari Prasad Yadav, Resident of Mohalla- A.P. Colony, P.S.- Rampur, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

2      22-08-2016      Heard learned counsel for the petitioner as well as learned Special Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 47(a), 48, 53(c), 54 of Bihar Excise (Amendment) Act, 2016.

Six bottles of Indian made foreign liquor were recovered from joint house of the petitioner for which petitioner as well as his father were initially made accused in the present case but subsequently, the mother of the petitioner was also added as accused in the present case.

Submission on behalf of the petitioner is that having similar allegation, co-accused Manorama Devi as well as Bindi Yadav @ Bindeshwari Prasad Yadav, who happen to be parents of

the petitioner, have already been granted privilege of bail by different Benches of this Court and moreover, mere possession is not an offence as held by several Benches of this Court in several cases.

On the other hand, learned Special Public Prosecutor appearing for the State vehemently opposed the prayer submitting that it is not a case of mere possession but also the consumption of liquor because it has specifically been mentioned in the first information report that petitioner and co-accused, Bindi Yadav used to offer liquor to their friends but I am unable to accept the aforesaid contention because that appears to be only an imagination of the informant and admittedly, petitioner was not caught taking wine.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Gaya in connection with Rampur P.S. Case No. 131 of 2016.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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