

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61918 of 2018

Arising Out of PS. Case No.-325 Year-2018 Thana- RUPASPUR District- Patna

Kamal Kant Jha, Son of Late Anant Jha @ Anant, resident of Chanaur, Police Station Manigachhi, District Darbhanga at present house of Abhay Singh, Muhalla Chanakya Vihar Colony, Police Station- Rupaspur, District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha -2

For the Opposite Party/s : Mr. Sri Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-10-2018

Heard learned counsel for the parties.

This application for regular bail arises out of Rupaspur P.S. Case No. 325/2018 for the offences under Section 30(a), 37(b) & (c), 38(II) and 41(I) of Bihar Prohibition and Excise Act, 2016.

It is the case of the prosecution that in course of random checking, they found some persons, named in the First Information Report, who had consumed alcohol. Two persons, namely, Harsh Kumar Ojha and Shashank Raj, were also found standing near a road, from whose possession a sum of Rs.19,500.00 was recovered, who disclosed that the said amount was received by them from the supplies of liquor made to the petitioner and another person. Petitioner's house was raided



thereafter, leading to recovery of 42.5 litres of foreign liquor.

Learned counsel appearing for the petitioner contends that the petitioner has no criminal antecedent and the recovery is said to have been made from the first floor of the house of one Abhay Singh, whereas the petitioner resides in the said house in the ground floor. He also contends that the case of the prosecution is improbable considering the amount said to have been recovered from the persons, who allegedly disclosed the name of the petitioner, leading to seizure of liquor from the house of the petitioner.

Considering the above submission and the fact that the petitioner has no criminal antecedent as disclosed in paragraph 3 of the application, this application is allowed.

Let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna in Rupaspur P.S. Case No. 325/2018.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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