

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45423 of 2018

Arising Out of PS.Case No. -405 Year- 2018 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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1. Kamlesh Singh S/o Late Chaturi Singh, R/o Vill.- Lala Atami, P.S.-
Nasriganj, District- Rohtas. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

04 24-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

1641.600 liters of foreign liquor is said to have been recovered from the dilapidated house of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized liquor. The house from where the aforesaid liquor is said to have been recovered is abandoned and dilapidated one and is away from his residential house and the said house is not inhabited by the petitioner and his family members rather is open and easily



accessible to anyone. He had no knowledge of keeping of the liquor in the aforesaid house. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. Though one more case under the Excise Act has been lodged against the petitioner but he is on bail in the said case. He has been languishing in custody since 28.05.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged 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 Additional Sessions Judge-II-cum-Special Judge Excise, Rohtas, Sasaram in connection with Dihri Town P.S. Case No. 405 of 2018.

(Prakash Chandra Jaiswal, J)

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