

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76040 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- JAKKANPUR District- Patna

Rajesh Kumar son of Late Umesh Lal, resident of Village- Ganjpar
Shekhpura, Police Station- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Dwivedi
For the Opposite Party/s : Mr. Sri Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-12-2018 Heard learned Counsel for the petitioner and the
learned APP for the State.

Petitioner seeks bail in Jakkanpur PS Case No.
120 of 2018 registered under Sections 30(a), 38(a)/41/47 of
Bihar Prohibition and Excise Act, 2016.

It is submitted by Counsel for the petitioner that
the alleged recovery of 63 litres of liquor is from the alley. No
recovery has been made by the petitioner's possession and that
by alleging that the seizure list witnesses have disclosed name
of the petitioner, he has been implicated in this case. Petitioner
is in custody since 28.10.2018. It is submitted by the Counsel
for the petitioner that the story is unbelievable as the two seizure
list witnesses did not disclose name of the petitioner at the time
of seizure. The seizure is also not in accordance with Section



100 Cr.P.C. and in one case which has been pending against him under the Excise Act, he is on bail.

Considering the aforesaid submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named 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 Special Judge (Excise) Patna in Jakkanpur PS Case No. 120 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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