

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9891 of 2019

Arising Out of PS. Case No.-474 Year-2018 Thana- BIHTA District- Patna

Vijay Rai Son of Sant Lal Rai Resident of Village – Dumariya, P.S.-Bihta,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-02-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bihta P.S. Case No. 474/2018
dated 06.05.2018 instituted for the offence under
Section 30(a) of the Bihar Prohibition & Excise Act,
2016.

50 litres of liquor is said to have been
recovered from an Orchard of which the petitioner is not
the owner. From the perusal of the prosecution report it
appears that two persons were spotted running away on
the arrival of the police party. One of the arrested



persons disclosed the name of the petitioner as the one who could manage to run away.

Learned counsel for the petitioner has submitted that even if the aforesaid statement is taken into account, the only evidence against the petitioner is of a confession of an arrested co-accused person. There is no recovery either from the petitioner or from his constructive possession.

Regard being had to the aforesaid facts and also taking into account the clean antecedent of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum 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 connection with Bihta P.S. Case No. 474/2018, subject to the conditions as laid down under Section



438(2) Cr.P.C.

(Ashutosh Kumar, J)

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