

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12781 of 2019

Arising Out of PS. Case No.-695 Year-2018 Thana- SHASTRINAGAR District- Patna

Devendra Singh @ Devendra Kumar Singh, Son of Late Sarba Singh @ Sarba Nand Singh Resident of Mohalla- Shekhpura near Durga Ashram, P.S.- Hawai Adda, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Shastri Nagar P.S. Case No. 695 of 2018 dated 09.10.2018 instituted for the offences under Sections 30(A), 37(B)(C) of the Bihar Prohibition and Excise Act.

On secret information that a marriage hall is being used for consuming liquor by many persons, a raid was conducted. 24 persons were arrested consuming liquor. Approximately, 2.25 litres of liquor also is said to have been recovered from the aforesaid marriage hall. The implication of the petitioner in the present case is on the basis of the petitioner being the owner of the aforesaid marriage hall and the inference of the police authorities



that such breach of the excise laws is being made at the instance and under the protection of the petitioner.

Learned counsel for the petitioner has submitted that since he is the owner of the land which has been leased out for running a marriage hall, he cannot be attributed with recovery of the liquor from his possession. Another case also was filed against the aforesaid arrested accused persons under the Gambling Act. In the aforesaid case also the petitioner was made accused but was granted anticipatory bail.

Considering the fact that the petitioner is only the owner of the land on which marriage hall is being run and he had no knowledge that the marriage hall would be used for such illegal purposes and taking into account his clean antecedents, 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 Shastri Nagar P.S. Case No. 695 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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