

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17009 of 2019

Arising Out of PS. Case No.-279 Year-2018 Thana- GOH District- Aurangabad

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Kamlesh Malakar, aged about 43 years, Gender-Male, Son of Late Ram Prasad Bhagat @ Ram Prasad @ Late Krman Malakar @ Ram Prasad Malahar, Resident of Village-Deohara, P.S.-Goh, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 27-03-2019 The petitioner seeks bail in anticipation of his arrest in connection with Goh P.S. Case No. 279 of 2018, dated 18.12.2018, instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

30 litres of locally brewed Mahua liquor is said to have been recovered from the orchard belonging to the petitioner. About a quintal of Mahua flower was also found to have been kept underneath the sand near the river side.



The learned counsel for the petitioner has submitted that though the orchard/garden belongs to the petitioner, but it does not have any enclosure and, therefore, any recovery from the farm cannot be said to be from the constructive possession of the petitioner.

The petitioner has clean antecedents.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Addl. Sessions Judge-Cum-Special Judge, Excise Act, Aurangabad, in connection with Goh P.S. Case No. 279 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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