

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15121 of 2019

Arising Out of PS. Case No.-1033 Year-2018 Thana- SITAMARHI District- Sitamarhi

RAKESH KUMAR @ RAKESH SINGH @ LADEN Son of Govind Sah,
Resident of Village- Bhabdepur, Thana Road, Ward No.- 21, P.S.- Sitamarhi,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-03-2019 Heard both sides.

The petitioner apprehends his arrest in Sitamarhi P.S.
Case No.1033 of 2018 registered under Sections 272, 273 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition and
Excise Act.

The police raided the house of the petitioner and
behind the house of the petitioner, 45 liters Nepali liquor is said
to have been recovered.

The learned counsel for the petitioner submits that
Mukesh Baitha, one of the seizure list witness, is inimical to the
petitioner. The recovery was made behind the house of the
petitioner but from an open place and the same recovery cannot
be said to have been recovered from the possession of the



petitioner.

Taking into consideration the fact that the recovery was made behind the house of the petitioner but from an open place, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No.1033 of 2018(G.R. No.1329 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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