

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22166 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- DINARA District- Rohtas

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Raja Kumar Son of Bandhan Chaudhary R/o village- Sonipatti Near Gauri
Shankar Mandir, P.S.- Buxar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 19-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Dinara P.S. Case No. 10 of 2019 registered for the offence
punishable under Section 30(a) of Bihar Prohibition & Excise
Act-2016.

126.18 lts. of foreign liquor is said to have been
recovered from a bush and accused Jai Prakash Chaudhary was
apprehended while petitioner managed to escape. Apprehended
accused disclosed the name of petitioner as his fleeing
accomplice.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. Petitioner has no concern



either with the seized liquor or with the place of recovery. Place of recovery is open place and easily accessible to all. There is nothing on record indicating complicity of the petitioner in the occurrence barring disclosure made by apprehended accused Jai Prakash Chaudhary due to animosity. No offence under Excise Act is made out against the petitioner. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-II-cum-Special Judge, Excise, Rohtas in connection with Dinara P.S. Case No. 10 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

rohit/-

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