

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27678 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- KHUSRUPUR District- Patna

Sudhir Yadav Son of Raja Singh Resident of Village- Malpur, Police Station-
Khusrupur, District- Patna,

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Pronoti Singh

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

ORAL ORDER

4 30-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Khusrupur P.S. Case No. 248 of 2018 registered for the offence
punishable under Section 30(a) of Bihar Prohibition & Excise
Act-2016.

14 lts. of country made liquor is said to have been
recovered from the Bank of Malpur river and five persons
including petitioner managed to escape from the aforesaid place,
who were identified by the Chowkidar during the course of
escaping.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He 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. Petitioner has been falsely implicated in this case merely on suspicion while he had gone to the river to excrete and witnessing stampede, he escaped from the aforesaid place, hence, no offence under Excise Act is made out against the petitioner. 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 Special Judge, Excise, Patna in connection with Khusrupur P.S. Case No. 248 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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