

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26562 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Arbind Rai S/o Ram Babu Rai R/o Mohalla- Kaimasikoh near Guru Govind
Singh College, P.S.- City Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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

ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
P.R. No. 158 of 2019 corresponding Spl. Case No. 935 of 2019
registered for the offence punishable under Sections 30(a) and
37(b) of the Bihar Prohibition and Excise Act-2016.

131.500 lts. of foreign liquor is said to have been
recovered from near the Peepal tree standing near the house of
the petitioner and two accused persons in inebriated condition
were apprehended. The apprehended accused divulged that they
work for the petitioner.

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 or with any trade of liquor. Place of recovery is open place and easily accessible to all. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the aforesaid apprehended accused persons due to animosity which has no evidentiary value in the eye of law. No offence under Excise Act is made out against the petitioner.

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 Spl. Judge, Excise Patna in connection with P.R. No. 158 of 2019 corresponding Spl. Case No. 935 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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