

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27495 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- KOTHIGRAM District- Gaya

RAJ KUMAR YADAV Son of Late Kedar Yadav Resident of Village -
Lawabar (Sobadi), P.S.- Kothi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore (App)

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

ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kothi P.S. Case No. 07 of 2019, registered for the offences
punishable under Sections 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

40 liters of country made liquor is said to have been
recovered from courtyard of the house of the petitioner and
petitioner made good his escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern with the seized liquor. As per F.I.R. aforesaid liquor



was seized from courtyard of the house of the petitioner but it has not been mentioned in column 4 of the seizure-list meant for place of recovery which creates serious doubt about prosecution case. Moreover, said house is inhabited by his several family members and he had no knowledge of keeping liquor there. Hence no offence under Excise Act is made out against the petitioner. He has no criminal antecedent.

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

Having regard to 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 four weeks from today, 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 Special Judge, Excise, Act, Gaya in connection with Kothi P.S. Case No. 07 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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