

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.601 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- PATNA CITY CHOWK District- Patna

Jaykant Ray S/o- Sanjivan Ray R/p Village- Bagloda Gali @ Fuladi Gali,
P.S.0- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Excise Special Case No. 7966 of 2018 arising out of Chowk P. S. Case No. 330 of 2018 dated 29.08.2018 instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Approximately 7.8 litres of liquor is said to have recovered from several places and in the process of search and seizure, one Rohan Kumar was arrested. He is said to have taken the name of the petitioner as one of the persons who manages to sell liquor in an unauthorised manner.



Learned counsel for the petitioner has submitted that earlier also, he was made accused in similar nature of offences in four cases but considering the paucity of evidence in all the cases, he was granted anticipatory bail by different Benches of this Court. He further submits that all the cases have been lodged in one police station, leading to the inference that only because the petitioner is not in the good books of the local police, he is being made accused continuously in such cases of Excise Act. In the present case also, it has been submitted, the petitioner has only been named by one of the co-accused persons.

In all the previous cases, in which the petitioner has been made accused, learned counsel for the petitioner has submitted that there has not been any recovery from him. It is only on the basis of whimsical action of local police that the petitioner is being prosecuted continuously in such cases.

Regard being had to the aforesaid facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below



within a period of four weeks from the date of receipt /
production of a copy of this order, on his furnishing bail
bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two
sureties of the like amount each to the satisfaction of the
learned Special Judge Excise, Patna in connection with
Excise Special Case No. 7966 of 2018 arising out of Chowk
P. S. Case No. 330 of 2018, subject to the conditions as laid
down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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