

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39161 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- GANGTA District- Munger

Phutus Singh @ Akhilesh Kumar @ Putush Singh S/o Late Sri Krishna Singh
R/o village- Milki, P.S.- Gangta, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niwas Singh

For the Opposite Party/s : Mr. Rajendra Singh

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

ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Gangta P.S. Case No. 19 of 2019 registered for the offence
punishable under Sections 30/32 of the Bihar Prohibition &
Excise (Amendment) Act-2018.

2.250 lts. of foreign liquor is said to have been
recovered from beside ridge of the field of the petitioner which
is said to have been dumped by him in the sack.

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 any trade of liquor. Place of



recovery is open place and easily accessible to all. He has been falsely implicated in this case at the instance of his enemy. There is violation of Section 100 Cr.P.C. 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 Addl. Sessions Judge-V-cum-Special Judge, (Excise Act) Munger in connection with Gangta P.S. Case No. 19 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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