

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71359 of 2019**

Arising Out of PS. Case No.-217 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

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Ravi Singh @ Ravi Kumar S/o Sudhir Kumar Singh @ Sudhir Singh R/o
village- Manirai Ka Tola, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Surendra Kumar

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

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Ara Muffasil (Dhobaha) P.S. Case No. 217 of 2018 registered
for the offence punishable under Sections 30(a) and 37(b) of
Excise Act.

43 lts. of foreign liquor is said to have been
recovered from the bush standing near the brick-kiln and
accused, Kamlesh Yadav was apprehended while another
accused managed to escape. Apprehended accused divulged that
the petitioner is running the licensee shop of liquor in U.P. from
whom Manish Yadav and Nikesh Yadav had brought the liquor
and he had purchased the aforesaid liquor from the aforesaid



two persons.

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 any trade of liquor. There is violation of Section 100 Cr.P.C. There is nothing cogent incriminating material on record indicating complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused Kamlesh Yadav. Petitioner does not run any liquor shop in U.P. rather the liquor shop is run by one Pradip Kumar as per the certificate of Excise Officer, Baliya and the report of S.H.O. Baliya. 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 A.D.J.-IV-cum-Special Judge,



Excise, Bhojpur at Ara in connection with Ara Muffasil
(Dhobaha) P.S. Case No. 217 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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