

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69889 of 2019**

Arising Out of PS. Case No.-138 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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JAI KUMAR RAM Son of Gagan Dev Ram Resident of Village - Madhopur
Raushan Bhisra, P.S.- Dumara, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of **C2-138
of 2019**, disclosing the offence under Sections 30(A) of Bihar
Prohibition and Excise Act, 2016.

The prosecution report of the Excise Inspector is the
basis for registration of First Information Report. From near the
doorway of the petitioner and from a hut admittedly belonging
to the petitioner, the Excise Officials are said to have recovered
96.840 liters of foreign liquor, which was intentionally
concealed.

Learned counsel appearing on behalf of the petitioner
has submitted that recovery of country made liquor from near



the petitioner's doorway cannot amount to recovery from the petitioner's possession. So far as recovery from the hut is concerned, he contends that it was an open place and chance of petitioner's false implication, cannot be ruled out. He has also submitted that the petitioner has no criminal antecedent.

Considering the facts and circumstances, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sitamarhi**, in connection with **C2-138 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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