

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 74431 of 2019**

Arising Out of PS. Case No.-127 Year-2019 Thana- ATHMALGOLA District- Patna

RAJEEV KUMAR @ RAJEEV RAI S/o Jamahir Rai @ Javahar Ray R/o  
village- Kalyanpur, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar Singh

For the Opposite Party/s : Mr.Shyam Bihari Singh

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

2     **25-11-2019**                      Heard learned counsel for the petitioners and the  
learned APP for the State.

Petitioner apprehends arrest in a case registered under  
Sections 30 (a) of Bihar Prohibition & Excise Act.

It is submitted by the petitioner's counsel that  
allegation against the petitioner is of recovery of five liters of  
country made wine. Further allegation is of recovery of a  
container from which there was smell of wine and 197 empty  
bottles. It is further submitted that the petitioner was not present  
at the time of the recovery and he has no connection with the  
alleged recoveries. On alleged recoveries, which have been  
made from joint family property, petitioner cannot be held  
responsible. Prior to the instant case, petitioner has been made



accused in one more case from before in which it is stated that the petitioner is taking appropriate steps. It is also submitted that on account of recovery in absence of petitioner and for other infirmities, the recovery is not in accordance with law and no offence whatsoever is made out under the Bihar Prohibition and Excise Act.

Learned APP for the State has opposed the prayer and submits that petitioner is accused of offences under the Bihar Prohibition and Excise Act.

For the limited purpose of bail, this Court is inclined to accept the submission of petitioner's counsel.

Let the petitioners above named, in the event of his arrest or surrender within four weeks from today, shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Special Case No 6791 of 2019 arising out of Athmalgola Police Station Case No 127 of 2019 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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