

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13933 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- KASHICHAK District- Nawada

DILKHUSH KUMAR @ OMAN KUMAR S/o Late Lalan Singh R/o village-
Apsadh, P.S.- Waisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for regular bail arises out of
Kashichak P.S. Case No. 12 of 2020, disclosing the
offences under Sections 30(a) and 37(c) of the Bihar
Prohibition & Excise Act.

It is the case of the prosecution that on the basis of
secret information, the Police had conducted raid in the
house of co-accused Hare Ram Singh. On seeing the Police
party, some of the persons who were found fleeing away
were apprehended. The petitioner was apprehended who
disclosed the name of other persons who too had fled away.



From the house of Hare Ram Singh, huge quantity of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner has submitted that even if what has been alleged in the First Information Report is said to be correct, in the absence of any material to suggest that any recovery of illicit liquor was made from the petitioner's possession, no offence under Section 30(a) of the Excise Act can be said to be made out. He has submitted that recovery if any of the illicit liquor has been made from the house of co-accused Hare Ram Singh.

I find substance in submission made on behalf of the petitioner.

This application is, accordingly, 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, Nawada,** in connection with **Kashichak P.S. Case No. 12 of 2020,** 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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