

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 18898 of 2020

Kamlesh Kumar @ Kamlesh Ray age 25 years Male son of Prabhu Ray @ Pabhu Ray Resident of village Morwan P.S. Tajpur Distt-Samastipur.

.....Petitioner

Versus

The State of Bihar

.....Opposite Party

=====

Appearance

For the Petitioner : Mr. Mukesh Kumar, Advocate

For the State : Ms. Pushpa Sinha, APP

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 14.05.2020

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner who is in custody since 28.1.2020 has filed the instant application for grant of bail in connection with Excise Case no. 520 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.



As per allegation in the FIR, on secret information having been received, the house of the petitioner was searched and in course of search it is stated that a total of 441 of litres of IMFL was recovered from a hut in the cattle shed of the petitioner.

It is submitted by learned counsel for the petitioner that the allegation of recovery as made in the FIR are false and concocted. Neither any recovery has been made nor has the petitioner been arrested at the spot. It is further submitted that in any case the place of recovery is an open place which cannot be said to be under the exclusive control of the petitioner. The petitioner is in custody since 28.1.2020 and the investigation in the case has already concluded.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the recovery of seized liquor is stated to have been made from a hut in the cattle shed which cannot be stated to be a place under the exclusive control of the petitioner, the petitioner being in custody since 28.01.2020 and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Excise Case no. 520 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge - cum- Special Judge Excise, Sitamarhi.

(Partha Sarthy, J)

Prakash



U

