

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22927 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- JAKKANPUR District- Patna

AKHILESH KUMAR, S/o Sri Krishna Nandan Ray, Resident of B. K. Dutta Lane, New Jakkanpur, P.S.- Jakkanpur, Distt- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta, Advocate
For the Opposite Party/s : Mrs. Suchita Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2020

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Jakkanpur P.S. Case No. 08 of 2020 for the offence under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

In the instant case total 11.25 litres of liquor was seized from a chow shed.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. He further submits that the cow shed where from liquor was seized does not belong to the petitioner. He further submits that nothing was seized either from the conscious possession or constructive possession of the petitioner.

Considering the fact that petitioner has got no criminal



antecedent, the petitioner named above, in the event of arrest or surrender before the court below within one month from the date of communication of this order, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Patna in connection with Jakkanpur P.S. Case No. 08 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the further condition that the petitioner shall deposit Rs.25,000/- (Twenty five thousand) cash in the court below and the same shall be abide by the final outcome in the trial i.e. if the petitioner is acquitted the amount of Rs.25,000/- shall be refunded in favour of the petitioner, otherwise it shall be forfeited.

(Anil Kumar Upadhyay, J)

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