

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26584 of 2021

Arising Out of PS. Case No.-470 Year-2020 Thana- HISUWA District- Nawada

RAJESH KUMAR @ RAJESH DASH @ RAJESH DAS Son of Rajendra
Prasad Resident of Village- Hisua Dabgar Toli, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha- Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-09-2021 Heard Mr. Ajay Kumar Sinha, the learned Advocate
for the petitioner and Mr. Jagdhar Prasad, the learned APP for
the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Hisua P. S. Case No.470 of 2020, instituted for
the offences under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

It appears that 26.250 litres of liquor was recovered
from one Krishna Kumar. The petitioner is sought to be
prosecuted in this case because he is the brother of aforesaid
Krishna Kumar who is said to have told the police that he
procures liquor from the petitioner.

The learned Advocate for the petitioner has submitted
that without there being any recovery from him and his



implication being only on the statement of Krishna Kumar, the offence under the Excise Act cannot be said to have been made out against him.

The petitioner is not keeping good relations with his brother namely Krishna Kumar.

The petitioner has clean antecedents.

Regard being had to the facts afore-stated, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with Hisua P. S. Case No.470 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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