

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32570 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Rakesh Chotmurada @ Rakesh Kumar, aged about 43 years, male, S/o Deoraj Chotmurada, R/o Mohalla - Punjabi Colony, Gali No. 1, Ward No. 09, P.S. - Town, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-02-2021 Heard Mr. Mukesh Kumar, learned Advocate for the petitioner and Dr. Kumar Uday Pratap, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Excise Case No. 107 of 2020, dated 05.05.2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

15.480 litres of liquor is said to have been recovered from outside the grocery shop of the petitioner.



Learned counsel for the petitioner has submitted that the place from where recovery has been made was not a confined space but was accessible to all and sundry. The petitioner, therefore, cannot be said to be in exclusive or constructive possession of the seized liquor.

The petitioner does not have criminal antecedents.

Considering the aforesaid aspect of the matter, 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 Addl. Sessions Judge-II-Cum-Special Judge, Excise Act, Samastipur in connection with Excise Case No. 107 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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