

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33060 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- BHAGWANPUR District- Begusarai

GOPAL KUMAR @ GOPAL JHA, S/o S/o Niteshwar Jha @ Lataru Jha R/o
village- Sanjat, P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-03-2021 Heard Mr. Nachiketa Jha, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bhagwanpur P. S. Case No.
132 of 2020, dated 24.06.2020, instituted for the
offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

There appears to be a recovery of 1.8 litres of
liquor from behind the house of the petitioner.

The learned counsel for the petitioner has
submitted that assuming but not admitting the aforesaid
fact, the recovery is from an open space and not from a



closed space and therefore such recovery cannot be saddled upon the petitioner.

The petitioner has no criminal antecedents.

Considering the aforesaid two facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 2nd – cum – Special Judge, Excise Act, Begusarai, in connection with Bhagwanpur P. S. Case No. 132 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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