

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3655 of 2021**

Arising Out of PS. Case No.-213 Year-2020 Thana- SARAIYA District- Muzaffarpur

RAUSHAN JHA @ ASHWANIKANT JHA, Son of Rupanarayan Jha @  
Bhanupratap Jha Resident of Village - Bahilwara Bhual, Utari, P.s.- Saraiya,  
Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Singh- Advocate  
For the Opposite Party/s : Mr. Md. Matloob Rab- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      10-09-2021                      Heard Mr. Vijay Kumar Singh, the learned Advocate  
  
for the petitioner and Md. Matloob Rab, the learned APP for the  
  
State.

The petitioner seeks bail in anticipation of his arrest in  
connection with Saraiya P. S. Case No.213 of 2020, instituted  
for the offences under Sections 272, 273/ 34 of the Indian Penal  
Code and Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

Though it is alleged in the F.I.R. that 13 litres of  
liquor was recovered from the hut of the petitioner but  
according to the learned Advocate for the petitioner, the hut  
belongs to somebody else. The aforesaid hut from where  
recovery has been made is also situated in the land of another  
person. These facts were not taken into account and composite  
complaint was filed indicating recovery from many places.



The learned Advocate for the petitioner on the basis of the aforesaid facts has argued that no offence under the Excise Act can at all be said to have been made out.

In support of the aforesaid contention, the learned Advocate for the petitioner has brought a document on record indicating that the place of recovery does not belong to the petitioner.

The petitioner has clean antecedents.

Considering the afore-stated facts, 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 Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P. S. Case No.213 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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