

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3899 of 2021

Arising Out of PS. Case No.-344 Year-2020 Thana- RIVILGANJ District- Saran

1. RAMESH SINGH @ RAMESH KUMAR SINGH, SON OF CHHATHILAL SINGH Resident of Village - Nayaka Barka Baiju Tola, P.S.- Rivilganj, Distt.- Saran at Chapra (Bihar)
2. Sonu Singh Son of Indrajeet Singh Resident of Village - Nonepur karo, P.S.- Chitbara Gaon, Distt.- Baliya (U.P.), Presently residing at P.S.- Rivilganj, Distt.- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-07-2021 Heard Mr. Rakesh Kumar, learned counsel for

the petitioners and Mr. Akshay Lal Pandit, learned APP

for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Rivilganj P. S. Case No. 344 of

2020, dated 27.09.2020, instituted for the offences

under Sections 30 (a) and 41 (1) of the Bihar

Prohibition and Excise Act, 2016.

It has been submitted on behalf of the

petitioners that on raid along the river bank, 285.840



litres of liquor was recovered. Two persons who were guarding the consignment managed to flee away at the time of raid.

The petitioners have been made accused in this case because of the information given to the police party that they bring liquor from neighbouring State and sell it in Bihar where prohibition law is in existence.

The learned counsel for the petitioners has submitted that the accusation is very vague and there is no definite evidence to connect the petitioners with any such offence.

The petitioners do not have criminal antecedents.

On these two facts, it has been urged that the offence under the Excise Act can not be said to have been made out against the petitioners.

The recovery is from the river bank and such recovery can not be saddled on any particular person.

Regard being had to the afore-stated facts, the



petitioners, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned IInd Additional Sessions Judge – cum – Special Judge, Excise, Saran at Chapra, in connection with Rivilganj P. S. Case No. 344 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

