

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1143 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- KAUWAKOL District- Nawada

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1. JITU @ JITENDRA YADAV, S/O SARO YADAV RESIDENT OF VILLAGE MADHURAPUR, PS KAWAKOLE, DISTRICT NAWADA
 2. MANISH @ MANISH SAH @ PARSURAM KUMAR, S/O SHYAM SUNDAR SAH RESIDENT OF VILLAGE MADHURAPUR, PS KAWAKOLE, DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Sheo Kumar Prasad, learned advocate for the petitioners and Mr. Arun Kumar Pandey, learned APP for the State.

Mr. Sheo Kumar Prasad, learned advocate for the petitioner seeks permission to withdraw this application with respect to petitioner no. 1, who has been arrested.

The application with respect to petitioner no. 1 is dismissed as withdrawn.

The petitioner no. 2 seeks bail in anticipation of



his arrest in connection with Kawakole (Rupau) P. S. Case No. 34 of 2020, dated 30.01.2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It has been submitted on behalf of the petitioner no. 2 that a vehicle was intercepted from where 240 litres of liquor was recovered. According to the F.I.R., the name of the petitioner no. 2 had transpired in the information by the spy that he along with another is coming with huge consignment of liquor.

The learned advocate for the petitioner no. 2 has submitted that he has no criminal antecedents and has no concern at all with either the vehicle or the liquor which has been seized.

On the basis of the aforesaid facts, it has been argued on behalf of petitioner no. 2 that no offence under the Excise Act can at all be said to have been made out against the petitioner no. 2.

For the reasons afore-stated, the petitioner no.



2, 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 Additional District and Sessions Judge IInd cum Special Judge, Nawada, in connection with Kawakole (Rupau) P. S. Case No. 34 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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