

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2871 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- VAISHALI District- Vaishali

1. Rahul Kumar, Son of Surendra Rai

2. Guddu Kumar, Son of Lalu Rai

Both are Resident opf Village- Amritpur , P.S. - Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-07-2021 Mr. Manoj Kumar, the learned Advocate for the

petitioners seeks permission to withdraw the application with

respect to petitioner No. 2/Guddu Kumar as he has been

arrested.

Permission is granted.

The application with respect to petitioner No. 2 is

dismissed as having become infructuous.

Heard the counsel for the parties.



The petitioner No. 1/Rahul Kumar seeks bail in anticipation of his arrest in connection with Vaishali P.S. Case No. 196 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The thatched hut of one Awadhesh Kumar Rai was raided, wherein 2059.5 litres of liquor was recovered. The F.I.R. discloses that the petitioner No. 1 and others had kept their liquor in the hut of aforesaid Awadhesh Kumar Rai.

It has been submitted on behalf of the petitioner No. 1 that the accusation is absolutely false and without any basis. The petitioner No. 1 does not have any concern whatsoever with the seized liquor and is not at all associated with aforesaid Awadhesh Kumar Rai in his any nefarious activity.

The petitioner No. 1 does not have criminal antecedents.

On these grounds, it has been urged, that no case under the Excise Act can at all be said to have been made out against petitioner No. 1.



Regard being had to the facts afore-stated, the petitioner No. 1/Rahul Kumar, 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, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 196 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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