

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1306 of 2021

Arising Out of PS. Case No.-101 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Rakshit Jaiswal, Son of Late Kanhaiya Jaiswal Resident of Village - Purani
Bazar Deoriya, P.S.- Deoriya, District- Muzzafarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Gupta
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Subhash Kumar, learned counsel for

the petitioner and Mr. Md. Nazir Ansari, learned APP for

the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Kazimohammadpur P. S. Case

No. 101 of 2019, dated 13.03.2019, instituted for the

offences under Sections 30(a) of the Bihar Prohibition

and Excise Act, 2016 of the Indian Penal Code.

13 litres of liquor is said to have been

recovered from a car which stands in the name of the

mother of the petitioner. The driver of the vehicle was



carrying aforesaid liquor for his personal consumption without the knowledge of the owner of the vehicle. The petitioner is a person of tender age who has been made accused in this case because the vehicle from where recovery has been made belongs to his mother. Apart from this, there is no other material to connect the petitioner with the offence.

The petitioner has clean antecedents.

Considering the afore-stated facts, the learned counsel for the petitioner has urged that the offence under the Excise Act can not be said to have been made out against the petitioner.

For the afore-stated 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 Special Judge (Excise), Muzaffarpur, in
connection with Kazimohammadpur P. S. Case No. 101
of 2019, 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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