

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2930 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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CHHOTU KUMAR @ RAVI SHANKAR KUMAR GUPTA S/o Shree Sao
Resident of Amawan, P.S.-Rajauli, District-Nawada.

... .. Petitioner/s

Versus

STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-07-2021 Heard Mr. Amresh Kumar Sinha, learned
Advocate for the petitioner and Mr. Amit Kumar Rakesh,
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with G.O. Case No. 131 of 2020 dated 28.07.2020 instituted for the offence under Section 30(a) of the Bihar Excise Act, 2016.

From behind the house of the petitioner, 21 litres of foreign liquor and 23.4 litres of country made liquor has been recovered. It has been disclosed by the local villagers that the seized liquor belongs to the petitioner.

Learned counsel for the petitioner has submitted that the recovery is from an open space though from behind his house. However, such recovery



cannot be saddled upon him. He further submits that the accusation against him is based solely on the statement of local villagers whose identity has not been disclosed in the FIR.

Apart from this, it has been submitted that the petitioner does not have criminal antecedents.

On these two grounds, it has been urged, that the offence under the Excise Act cannot be said to have been made out against the petitioner.

For the aforesaid reasons, the petitioner 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 Sessions Judge II, cum Special Judge, Nawada in connection with G.O. Case No. 131 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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