

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4957 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- GAYA MUFASIL District- Gaya

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UMESH SINGH SON OF SIDHNATH SINGH R/O VILLAGE-
JAGDISHPUR, P.S.- MUFFASSIL, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2021 Heard Mr. Binay Kumar, learned Advocate for

the petitioner and Mr. Md. Mushtaque Alam, learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Muffasil P.S. Case No. 37 of

2020 dated 04.02.2020 instituted for the offences under

Sections 30(a)/32(3) of the Bihar Prohibition and Excise

(Amendment) Act, 2018.

Approximately 8.25 litres of liquor is said to

have been recovered from a three wheeler, of which the

petitioner is stated to be the proprietor. In the FIR, it

has been disclosed that the three wheeler was being



used by the son of the petitioner *viz.* Sanjit Singh.

Hence the case and the apprehension of the petitioner for being arrested.

Learned counsel for the petitioner has submitted that the tempo vehicle may be registered in his name but it is being used by his son/Sanjit Singh. The petitioner cannot be saddled with the responsibility of the recovery of the exciseable items from such vehicle.

The petitioner is being treated for his mental disease for a long time at Ranchi. Medical prescriptions indicating treatment of the petitioner has been brought on record.

It has also been submitted that the petitioner, up till now, has not been made accused in any case whatsoever.

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



For the reasons aforestated, 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 Special Judge Excise, Gaya in connection with Muffasil P.S. Case No. 37 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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