

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4972 of 2021

Arising Out of PS. Case No.-150 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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AMIT KUMAR SON OF NAND KISHOR SHARMA RESIDENT OF
VILLAGE- RAJAJAN, P.S.- MANSI, DISTRICT -KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2021 Heard Mr. Binod Kumar, learned Advocate for
the petitioner and Mr. Nand Kishore Prasad, learned APP
for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Comp. Case No. 150 of
2019 dated 24.12.2019 instituted for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

180 litres of liquor is said to have been
recovered from a vehicle which stands in the name of
the petitioner.

Learned counsel for the petitioner has
submitted that he is employed as a Sub-Inspector in
Central Industrial Security Force. He had given the
aforesaid vehicle to one Kare Yadav for running it



commercially. Aforesaid Kare Yadav perhaps has played truant. Thus, for such recovery of liquor, the petitioner cannot be charged with the offence.

The petitioner does not have criminal antecedents.

Based on these facts, it has been urged on behalf of the petitioner, no offence under the Excise Act can at all be said to have been made out.

For the facts 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 Additional Sessions Judge II, Banka in connection with Excise Comp. Case No. 150 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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