

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4983 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Uma Shankar Singh, aged about 43 years, male, Son of Late Ganpat Singh,
R/o Ramandiri Nakti Choudhary Patti, Ward No. 07, P.S. - Matiyani, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 09-09-2021 Heard Mr. Anupa Nand Jha, the learned Advocate

for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Case No. 199C2 of 2020,
instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

26 litres of liquor is said to have been recovered



from a house which is in joint possession of the petitioner and his agnates.

The wife of the petitioner had earlier made a complaint before the police that one of her agnates and co-sharer of the property, namely, Mani Kumar, is storing liquor in the house. Unfortunately, during the raid, the juvenile son of the petitioner was arrested. He has been released by the Juvenile Justice Board.

It has been submitted on behalf of the petitioner that all the members of the family could not be made accused in this case merely on the ground of their residing in the same house. The recovery is not from the exclusive possession of the petitioner. It has further been submitted that the background facts, especially the complaint against aforesaid Mani Kumar regarding his keeping liquor in the house, were never taken into account by the Court below. These grounds, it has been urged, clearly demonstrate that the offence under the Excise Act cannot be said to have been made out against the petitioner.

For the facts afore-stated and taking into account



that the petitioner has clean antecedents, he, 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 2nd Addl. District & Sessions Judge-Cum-Special Judge (Excise Act), Begusarai in connection with Excise Case No. 199C2 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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