

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30931 of 2021

Arising Out of PS. Case No.-614 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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RAJ PRAKASH @ BAUA S/O KRISHNA MAHTO R/o village- Harkaina,
P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-01-2022 Heard Ms. Rashmi Jha, learned Advocate for
the petitioner and Mr. Ram Naresh Rai, learned APP for
the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Case No. 614 of 2020
instituted for the offences under Section 30(a) of the
Bihar Prohibition and Excise Act.

46 litres of liquor is said to have been
recovered from behind the house of the petitioner which
was found covered under a heap of straw in the bushes.

Learned counsel for the petitioner has
submitted that the recovery is from an open space which
cannot be attributed to the petitioner.

He has clean antecedents.

On these two grounds, it has been urged that



the offence under the Excise Act cannot at all be said to have been made out against the petitioner.

For the reasons aforesaid, 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 four 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, Motihari, East Champaran in connection with Excise Case No. 614 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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