

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31619 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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ASHOK RAY @ ASHOK RAI Son of Late Laxmi Ray Resident of Village-
Sahuri Ward No. 03, P.S.- Chak Mahesi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-01-2022 Heard Mr. Vinay Kumar Mishra, learned
Advocate for the petitioner and Mr. Yogendra Kumar
Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Case No. 89 of 2021
instituted for the offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Approximately 13 litres of liquor has been
recovered from the cow-shed situated behind the house
of the petitioner, but without any door.

Learned counsel for the petitioner has
submitted that such recovery cannot be deemed to be
from the constructive possession of the petitioner as the
cow-shed had no door in it. The cow-shed could have
been accessed by all and sundry.



The petitioner does not have criminal antecedents.

On these 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 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 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 Additional District Judge-II Cum, Special Judge (Excise Act), Samastipur in connection with Excise Case No. 89 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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