

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34603 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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RAM SWARATH RAI @ SWARATH RAY @ SOGARATH RAY S/O
BASUKI RAY VILLAGE-BHUP BHAIROW, BHAIRO BHUP, P.S-
SITAMARHI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate.

For the Opposite Party/s : Mr.Amitesh Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-01-2022 Heard Mr. Dwij Raj, learned Advocate for the

petitioner and Mr. Amitesh Kumar, learned Additional Public

Prosecutor for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Complaint Case No. C2/33/2021 instituted for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

39.300 litres of liquor has been recovered from
outside the house of the petitioner which was found covered
with husk.

The learned counsel for the petitioner has submitted
that since the recovery is from outside the house of the
petitioner, he cannot be saddled with the charge levelled in the



F.I.R.

The petitioner does not have criminal antecedents.

On these 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 afore-stated, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the learned 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 ADJ-II cum Special Judge, Excise, Sitamarhi in connection with Complaint Case No. C2/33/2021, subject to the condition as laid down under Section 438 (2) Cr.

P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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