

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15274 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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CHHOTU KUMAR @ CHHOTU YADAV Son of Balkeshwar Yadav
Resident of Village - Belahi, P.S.- Magadh Medical, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Magadh Medical P.S. Case No.

36/2020 instituted for the offences under Section 30(a)(d)

of the Bihar Prohibition and Excise Act.

It appears from the prosecution report that 720

litres of spirit and 744 litres of liquor was recovered from an

open space located about 75 yards away from the boundary

wall of the house of the petitioner. This is the reason for

prosecuting the petitioner in the instant case.

The learned counsel for the petitioner has



submitted that such recovery cannot be saddled on him as the place of recovery is an open space.

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, above named, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya, in connection with Magadh Medical P.S. Case No. 36/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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