

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69170 of 2021**

Arising Out of PS. Case No.-11 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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RAKESH KUMAR JAISWAL @ THAKUR JAISWAL S/o Ram Janam Jaisal
R/o Village- Nuaon, P.S.- Nuaon, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-04-2022 For the reason of this petition having been filed in the
month of December, 2021 and the petitioner suffering from
illness, a priority hearing has been given to this case.

Heard Mr. Viveka Nand Singh, learned Advocate for
the petitioner and Mr. Atul Chandra, learned APP.

The petitioner seeks bail in anticipation of his arrest in
connection with Excise Case No. 11 of 2016, arising out of
Excise Act - 421/2017, dated 03.02.2016 instituted for the
offence under Section 47(a) of the Bihar Prohibition and Excise
Act, 2016.

It is alleged in the FIR that 10 liters of liquor and 75
kgs. of Mahua was recovered from the brick-kiln of the
petitioner.



It has been urged on behalf of the petitioner that brick-kiln is an open space and therefore, the recovery from that place cannot be attributed to the petitioner. It appears that some labourers working in the brick-kiln had kept the same for which the petitioner is wrongly sought to be prosecuted. The petitioner learnt about this case only later, whereafter this application for anticipatory bail has been filed.

The petitioner does not have criminal antecedents.

Regard being had to the aforestated facts, 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 Sessions Judge 2nd , Kaimur at Bhabua in connection with Excise Case No. 11 of 2016, arising out of Excise Act - 421/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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