

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49543 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- GARKHA District- Saran

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Kameshwar Rai, Son Of Dev Sundar Rai Resident Of Village-Sadhpur, Police
Station-Garkha, District-Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 2.250 litres of liquor from the
kitchen of the petitioner.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated at the instance of Chaukidar with whom he is on an
inimical term. It is next submitted that even the house, which is



a joint family property and as such, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the kitchen or the liquor kept in the kitchen was within his knowledge, when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- 2nd-cum- 1st Exclusive Special Judge Excise, Chapra, Saran in connection with Garkha P. S. Case No.27 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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