

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40738 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- Excise P.S. District- Patna

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Rakesh Kumar, S/O Late Visheshwar Prasad, R/O Village- Badro, P.S.-
Masaurhi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jainendra Kumar Pushkar, Advocate

For the Opposite Party/s : Ms.Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 10-06-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned APP appearing on behalf of
- the State.
2. The petitioner seeks bail in connection with
- Excise Masaurhi P.S. Case no. 228 of 2024 registered
- for the offence under Section 30(a), Bihar Prohibition
- and Excise Act 2016 and Amended Act 2018.
3. The petitioner is named in the F.I.R. and is
- in custody since 20.04.2024.
4. The allegation against the petitioner is to
- have in possession of 60 litres of country made liquor
- and also involved in related trade.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor appears to be made from a nearby Chicken farm, which is an open place and accessible by general public, and as such it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is further submitted that seizure list also appearing doubtful being not supported by independent witnesses rather by police personnels.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged illicit liquor not appears to be recovered *prima facie* from conscious physical possession of this petitioner, rather from an open place, accordingly, petitioner above named, is directed to be released on bail in connection with Excise Masaurhi P.S. Case no. 228 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Judge-IIInd Patna, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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