

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78658 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- BAKHTIYARPUR District- Patna

Birju Ray @ Bijay Kumar S/O Sunil Ray Village- Nayatola Raghopur, Ward
No. 27, Ps. Bakhtiyarpur, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 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
petitioner has antecedent of two cases and the allegation is of
recovery of 850 litres of liquor from Ramnagar *Diyara* area. It is
next submitted that petitioner was not arrested from the spot, as
such, nothing was recovered from his conscious possession. It is
next submitted that even recovery is from a place which is
accessible to public at large and does not belong to the
petitioner, as such it cannot be alleged with certainty that it was
petitioner who had kept the liquor at the place of occurrence



when there is no eye-witness to the occurrence.

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

5. 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 260 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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