

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16200 of 2017**

Arising Out of PS.Case No. -521 Year- 2016 Thana -DANAPUR District- PATNA

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1. Hemant Kumar @ Raju Kumar @ Raju Son of Late Rajnandan Singh @ Hari Nandan Singh Resident of New Manpura Kharanja Road, P.S. - Danapur, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Bharat Lal

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

3      19-05-2017                      Heard both sides.

The petitioner apprehends his arrest in Danapur P.S. case No. 521 of 2016 under Section 30(A), 38(2), 41(1) of the Bihar Prohibition & Excise Act.

The informant alleged that he searched the house of petitioner situated in Manpura Kharanja Road and 154 bottles of Royal Stag whisky, each containing 750 ml., were recovered.

The learned counsel for the petitioner submits that petitioner sold the land to one Manju Devi by registered sale deed dated 25.10.2016. The raid was conducted on 16.12.2016. The petitioner has no manner of concern with the house and he has already delivered the possession to his vendee. The petitioner filed



a petition to this effect before the informant and other police officials but no investigation is made on this point.

The learned Additional Public Prosecutor submits that in a case under the Excise Act anticipatory bail is not maintainable but from perusal of the FIR and the case diary, it appears that house was raided from which Indian made foreign liquor was recovered but immediately after raid a petition was filed informing the informant that petitioner had already sold the house by a registered sale deed dated 25.10.2016 to Manju Devi but the I.O. did not make investigation on this point.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna in Danapur P.S. Case No. 521 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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