

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 37618 of 2017**

Arising Out of PS. Case No.-89 Year-2017 Thana- Arwal District- Jehanabad

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Gaurav Kumar @ Kumar Gaurav @ Bholi, son of Grish Kumar, R/o Village-  
Masaurhi, P.S.- Masaurhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Yogendra Kumar Dwivedi  
For the Opposite Party/s : Mr. Surendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3. 22-11-2017                      Heard Sri Yogendra Kumar Dwivedi, learned counsel for  
the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is having clean antecedent as stated in paragraph – 3 of the petition apprehending his arrest in Arwal P.S. Case No. 89 of 2017 registered for offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner has drawn my attention to seizure list enclosed with the F.I.R. at page 12 and submits that seizure list categorically states that search was conducted in the house of Bipin Bihari, who was arrested at the time of search itself, and from his house, recovery of about 9 bottles containing 750 ml each of Indian make foreign liquor prepared in Haryana was shown and



petitioner has been made accused, as if petitioner was renter of Bipin Bihari. He submits that petitioner has falsely been implicated.

Be that as it may, considering the nature of accusation and clean antecedent as well as the fact that seizure list suggests that liquor was found in the house of Bipin Bihari, who was arrested at spot, there is no reason to refuse the prayer of petitioner for grant of anticipatory bail.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Gaurav Kumar @ Kumar Gaurav @ Bholi 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 learned Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 89 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

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