

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38117 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- Deepnagar District- Nalanda

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Suren Kumar, S/o Birju Prasad, Resident of Village- Umednagar, P.S.
Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 04-07-2018 Heard Sri Rudal Singh, learned counsel for the petitioner and Sri Shailendra Kumar, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Deepnagar P.S. Case No. 125 of 2018 registered for offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (for short “Excise Act”), has prayed for grant of anticipatory bail.

Learned counsel for the petitioner, by way of referring to statement made in paragraph – 3 of the petition, submits that petitioner is having clean antecedent. By way of referring to F.I.R., he submits that it is a peculiar case, in which, without ascertaining as to whether any offence under the Excise Act was committed or not, a case has been instituted, as if, petitioner was involved in violation of provision under the



Excise Act. He further submits that in the F.I.R., it has been indicated that from outside the house from an open hut, bottles containing two litres like foreign liquor was shown to be recovered and without ascertaining as to whether seized article was wine or not, F.I.R. was lodged and petitioner has been made accused.

Be that as it may, considering the nature of accusation, clean antecedent and the fact that nothing was recovered from conscious possession of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Suren Kumar 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 Addl. Sessions Judge 6th cum Special Judge, Excise, Nalanda at Bihar Sharif in connection with Deepnagar P.S. Case No. 125 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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