

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61656 of 2018

Arising Out of PS. Case No.-390 Year-2018 Thana- KADAMKUAN District- Patna

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Raju Kumar @ Raj Kumar @ Chhotu, S/o Late Bijay Prasad, resident of
Mohalla- Dariyarpur, Mohar Tola, P.S. Kadam Kuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 10-12-2018 Heard learned counsels for the petitioner and
the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report dated 07.07.2018 submitted by of Sadhu Mahto (A.S.I.) submitted to the Station House Officer, Kadam Kuan Police Station, is to the effect that on secret information, there was recovery of 169.02 liters of illicit liquor from a lorry near the house of the petitioner.

It is submitted by the learned APP that on perusal of



the case diary, it appears that during investigation it is transpired that though the recovery was not made from the conscious possession of the petitioner but the illicit liquor was kept at that by the petitioner.

It is submitted by the learned counsel for the petitioner that recovery of the said illicit liquor was not made from the conscious possession of the petitioner, hence, no case under Excise Act made against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that no recovery has been made from the conscious possession of the petitioner coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **Special Judge Excise, Patna** in connection with **Kadam Kuan P.S. Case No. 390 of 2018**



subject to the condition as laid down under Section 438(2)
of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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