

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12509 of 2019

Arising Out of PS. Case No.-374 Year-2018 Thana- GAYA MUFASIL District- Gaya

Rajesh Kumar @ Gorka aged about 25 years (Male) Son of Harihar Saw R/o
village- Nauranga, P.S- Muffasil, Dist- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Veer

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Muffasil P.S. Case No. 374/2018 registered under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that police has recovered illicit liquor from an under-constructed house. In paragraph-10 of the application it is stated that the semi constructed building did not belong to the petitioner nor his any relative or family members.

It is submitted that the petitioner has no criminal antecedent and the similarly situated accused has been granted privilege of anticipatory bail by a learned coordinate Bench of this court in Cr. Misc. No. 79486/2018.



Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner by drawing attention of this court towards the impugned order giving an impression that the recovery is from the under-constructed house of the petitioner.

Considering the aforesaid facts and circumstances particularly that the petitioner has made a categorical statement on oath that the semi constructed house did not belong to him nor his any relative or family members and that he has no criminal antecedent as also similarly situated accused has been granted privilege of anticipatory bail by learned coordinate Bench of this Court, this court is willing to extend the benefit of anticipatory bail to the petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, in connection with Muffasil P.S. Case No. 374/2018, subject to condition that petitioner shall join investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be



in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

It is however made clear that in case the Investigating Officer finds that the house from where recovery has been made belongs to the petitioner, he may move this court for cancellation of anticipatory bail of the petitioner.

(Rajeev Ranjan Prasad, J)

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