

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8219 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- BALIGAON District- Vaishali

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Kunkun Rai @ Phun Phun Rai aged about 70 years male, Son of late Machchu Rai, Resident of Village - Khoajpur Distt. Basti, P.S. Baligaon, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner. No one appears on behalf of the State to oppose this application.

Petitioner is seeking anticipatory bail in connection with Baligaon P.S. Case No. 57 of 2018 registered for the offences punishable under Section 30 (a), 41 (i) of the Bihar Excise Act, 2016.

Learned counsel for the petitioner submits that although the case had been registered under the provisions of the Bihar Excise and Prohibition Act, 2016 but on bare perusal of the First Information Report and the seizure-list attached therewith it would appear that by no stretch of imagination the petitioner may be made accused in the present case. It is



submitted that in the seizure-list the place of recovery is a field/bush and it is the allegation that the said bush is standing adjacent to the house of the petitioner, for that reason alone the petitioner had been made accused in the present case. It is further submitted that the petitioner has got no criminal antecedent and the co-accused, Priyesh Kumar @ Prince has already been granted privilege of anticipatory bail by a learned Coordinate Bench of this Court in Criminal Miscellaneous No.7624 of 2019.

In the given facts and circumstances of the case, considering that there is no recovery of illicit liquor from the house of the petitioner, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 57 of 2018 subject to the condition that petitioner shall join the 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 Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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