

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15318 of 2019**

Arising Out of PS. Case No.-236 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

Sanjeev Jaiswal @ Sandeep Jaiswal, S/O Late Kedarnath Jaiswal, Resident of
Saharsa, Ward No. 18, near Palika Chowk, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Anshuman, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-03-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Saharsa/Spl. (Excise) Case No.236 of 2018 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the allegation on confidential information a raid was conducted
near Karu Khirhari Halt towards West side of Railway Station.
There is said to be a structure standing in a dilapidated condition
without there being any door and window belonging to the
petitioner and from where 18 liters of illicit liquor were
recovered. Learned counsel submits that no doubt the property



belongs to the petitioner, but it has come in the remarks of the officer conducting the search that the house is an old and dilapidated house lying in a lonely place and even doors and windows are in broken condition. It is submitted that the alleged recovery has been made from the said house which is not in fact in possession of the petitioner and is situated at a lonely place. On this ground alone, the petitioner may not be held responsible and at least privilege of anticipatory bail be granted to the petitioner.

Learned APP for the State is present and has opposed the prayer for bail.

Although, this Court has been taking a view in certain cases where recovery has been made from the house of the petitioner that in such circumstance the petitioner will not be entitled to get privilege of anticipatory bail, but in the facts of the present case wherein it has come on record that the house in question is standing at a lonely place and is in a dilapidated condition without there being any door or window, this Court is of the view that the petitioner who is a person having no criminal antecedent may be extended the privilege of anticipatory bail.

Let, in case of arrest or surrender of the petitioner



within a period of four weeks from today, the abovenamed petitioner shall 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 Sessions Judge-II-cum-Special Judge (Excise), Saharsa in connection with Saharsa/Spl. (Excise) P.S. Case No.236 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)

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