

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9760 of 2019

Arising Out of PS. Case No.-226 Year-2018 Thana- GAURICHAK District- Patna

Shivam Kumar aged about 25 years, Gender-Male, S/o Triloki Ram, Resident
of Village- Kandap, Police Station- Gaurichak. district- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2019 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a) and 37(b) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of S.I.,
Murari, SHO Gaurichak Police Station is to the effect that on
secret information, two persons were intercepted carrying 15
litres of illicit country made Mahua liquor. It is further alleged
that from the roof of the house of the petitioner, 4.500 litres of
Indian made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the
recovery has been made from the open roof of the joint family
house of the petitioner. A statement has been made in paragraph



no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the recovery has been made from the house of the petitioner.

Considering the quantity of recovery and recovery being made from the joint family house of the petitioner, the material on record does not suggest that sample of seized material has been transmitted for chemical examination, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special Judge Excise, Patna** in connection with **Spl. Case No.6355 of 2018 arising out of Gaurichak P.S. Case No.226 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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