

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9732 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- BEERPUR District- Begusarai

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Batua Poddar @ Batua @ Shankar Kumar aged about 18 years (Male) Son of
Kuso Poddar @ Kusheshwar Poddar Resident of Village - Laxmipur, P.S.-
Birpur, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Birpur P.S. Case No. 85/2018 registered under Sections 30/32 of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that according to the first information report when the police party reached near the house of one Bhola Tanti, on seeing police party petitioner fled away then on search of the “Bagicha” police party found the illicit liquor which were kept in several bags and were recovered from the Bhusa house of Babu Lal Tanti.

Learned counsel for the petitioner submits that neither any incriminating material has been recovered from the house of the petitioner nor he was arrested on the spot and there is no independent witness to support the seizure list. There is no local witness also. It is further submitted that the petitioner is a student and due to previous enmity with the co-accused along with other villagers the name of the petitioner has transpired. It



is also submitted that the petitioner has no criminal antecedent.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

In the given facts and circumstances of the case considering that the petitioner is a student, there is no recovery from his house or possession and that he has no criminal antecedent, 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 Additional Sessions Judge, 2nd Cum-Excise Act, Begusarai, in connection with Birpur P.S. Case No. 85/2018, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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