

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16173 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura *

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Pankaj Kumar, Son of Mahadev Singh, R/o Village- Lohan, P.S.- Ariyari,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 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 Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that one bottle of Indian Made
Foreign Liquor of 750 ml was recovered from the public toilet
situated near north east of the Durga Temple in the village. The
name of the petitioner sprang up since someone suggested that
the petitioner has kept the said bottle there.

It is submitted by learned counsel for the petitioner that the
recovery has been made from the public place. 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 some witnesses suggested that the petitioner has kept the illicit liquor bottle in the said public toilet.

Considering the fact that the accusation does not suggest that the recovery has been made from the conscious physical possession of the petitioner, 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 **2nd Additional District & Sessions Judge, Sheikhpura** in connection with **Excise Case No.25 of 2019**, 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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