

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21705 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- SHASTRINAGAR District- Patna

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AJAY KUMAR @ AJAY YADAV Son of Sri Rajendra Prasad Yadav Resident
of Akashawani Road, B.V. College, Rukunpura, P.S.- Shastri Nagar, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh

For the Opposite Party/s : Mr.Ahtasham Ali Khan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 19-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Special Case No. 1656 of 2019, arising out of Shastri
Nagar P.S. Case No. 129 of 2019 registered for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act 2016.

Six liters foreign liquor is said to have recovered from
the Asbestos (Karkat) house of the petitioner, let out to Mukesh
@ Rahul and Shamsheer Khan who runs the saloon and furniture
shop respectively in the said house.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern with the seized liquor. The house in question is having only two shops which has been let out to Mukesh @ Rahul and Shamsheer Khan and petitioner had no knowledge of keeping of the said liquor in the said house by anyone. There is violation of Section 100 Cr.P.C. No case under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

The learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Special Case No. 1656 of 2019 arising out of Shastri Nagar P.S. Case No. 129 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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