

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26890 of 2019**

Arising Out of PS. Case No.-49 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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ANIL KUMAR @ ANIL KUMAR SAH Son of Lalan Sah Resident of Village
- Hatiyagachhi, Ward No. 31, P.S. - Sadar (Saharsa), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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

ORAL ORDER

3 26-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

4.875 litres of foreign liquor is said to have been
recovered from the lane located behind the house of the
petitioner.

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 either with the seized liquor or place of recovery.
Place of recovery is open place and is easily accessible to all.



Hence no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Addl. Sessions Judge cum Special, Excise Act, Saharsa in connection with Special (Excise) Case No. 49 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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