

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18331 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- GARDANIBAG District- Patna

Bablu Kumar, Son of Deo Charan Prasad Resident of Village - Shivajee Path,
Yarpur, P.s.- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh

For the Opposite Party/s : Mrs.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsels for the petitioner and the
State.

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

The prosecution case is that on a secret information that the petitioner use to store illicit liquor in the hutment of co-accused Santosh Kumar, raid was laid and from the hutment of co-accused Santosh Kumar, 75 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that apart from present case,



the petitioner is also accused in one other case, in which he is on bail.

Learned APP submits that illicit liquor was stored in the hutment of co-accused person at the instance of the petitioner.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Gardanibagh P.S. Case No. 06 of 2019, Special Case No. 135 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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