

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21192 of 2019**

Arising Out of PS. Case No.-2328 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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KAMENDRA SINGH @ KAMENDRA KUMAR SINGH Son of Ranga
Singh @ Rang Bahadur Singh Resident of Village - Posawan, P.s.- Garahani,
Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Amarendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 12-04-2019 Heard learned counsels for the parties.

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

The prosecution case is that 20 litres country made liquor and 300 Kilogram fermented Mahua were recovered from the western side of the village. The petitioner was suspected to have stored the same.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from an open area. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal



antecedent.

Learned APP submits that the prosecution report suggests that the liquor was stored at the behest of the petitioner.

Considering the fact that the recovery of alleged liquor was made from an open area of the village and the recovered materials have been destroyed, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 2328 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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