

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20053 of 2019

Arising Out of PS. Case No.-124 Year-2017 Thana- KARAHGAR District- Rohtas

SANTOSH CHAURASIYA, Son of Lalan Chaurasiya, Resident of Mohalla -
Lakhnu Sarai, P.S.- Sasaram (Town), District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-07-2019 The petitioner apprehends his arrest in connection with Kargahar P.S.Case No. 124 of 2017 registered under Sections 30(a) and 35 of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that police on the basis of confessional statement of one Chandan Kumar that the petitioner and other accused persons provided liquor to him which can be traced kept near a canal, raided the place and recovered in total quantity 1036.80 litres illicit liquor.

Learned counsel for the petitioner submits that petitioner's name has surfaced on the basis of confessional statement made by co-accused arrested in a different case. He further submits that no recovery of illicit liquor has been made from the conscious possession or place belonging to the



petitioner and he has got no criminal antecedent relating to similar offence alleged against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery of illicit liquor has been made from the possession or from premises of the petitioner and his name has surfaced on the basis of confessional statement of co-accused and upon perusal of the FIR as well as seizure list, no *prima facie* case is made out against the petitioner as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Kargahar P.S.Case No. 124 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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