

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23198 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SILAO District- Nalanda

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Rakesh Kumar @ Rakesh Kumar Gupta, S/o Hira Sao, R/o Vishwakarma
Nagar, P.S. - Silao, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Senior Advocate
		Mr. Amresh Kumar Sinha, Advocate
		Ms. Preety Kunwar, Advocate
For the Opposite Party/s :		Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Excise Case No. 87 of 2019 arising out
of Silao P.S. Case No.20 of 2019, registered for the offence
punishable under Sections 272, 273, 34 of the Indian Penal
Code and Sections 30(a) (b) (c) (d) of Bihar Excise Act, 2016.

On the secret information the police raided the
house of the petitioner and 152 litres of country made liquor and
320 litres of spirit were recovered.

Learned counsel for the petitioner submits that the
Aadhar Card, which the petitioner possessed, is of Patna and it



itself shows that he used to stay in Patna and there is no need to keep Aadhar Card of Patna when will reside his village. However, keeping Aadhar Card of other place cannot be a proof of resident of native place, it is an identity of Indian Nation and he has liberty to stay either in Patna or his village.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

However, if the petitioner surrenders before the Court below within four weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order on the same day without being influenced by the order of this Court.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan/-

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