

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.79818 of 2018**

Arising Out of PS. Case No.-160 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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Naresh Rai son of late Hari Shankar Rai, resident of village Marhalla P.S.  
Ahiyarpur District Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate  
For the Opposite Party/s : Smt. Pronati Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      16-01-2019                      Heard the learned counsel for the petitioner and  
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Excise Cae No. 160 of 2018 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On secret information having been provided to the Excise Department, 645.120 litres of liquor is said to have been recovered from a house which is under construction but belonging to the petitioner.

Learned counsel appearing for the petitioner has submitted that the fact that the house under construction belongs to him is correct but the house in question from where the recovery has been made is accessible to all as it has not yet become habitable.



In that view of the matter, any recovery from such under construction house cannot be said to be from the constructive possession of the petitioner. This coupled with the fact that the petitioner has no criminal antecedents impresses this Court for grant of anticipatory bail.

Considering the aforestated facts, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Excise Case No. 160 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Ashutosh Kumar, J)**

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