

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45259 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- BACHHWARA District- Begusarai

Santosh Kumar @ Santosh Rai, male, aged about 33 years, son of Late Jungi Rai @ Late Jugi Rai, resident of Village-Samsipur, Dadupur, Ward No.2, P.S.- Bachhwara, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Bachhwara P.S. Case No. 47 of 2019 registered under section 30(a) of Bihar Excise Prohibition Act 2016.

The allegation against the petitioner, as per the first information report, is that the house of the petitioner was raided by the police and police recovered a total quantity of 16.51 liter of illicit liquor kept in a bag outside the house of the petitioner.

Learned counsel appearing for the petitioner submits that from perusal of the first information report, it would be evident that illicit liquor was allegedly recovered from outside of the house of the petitioner kept in a gunny bag whereas in the



seizure list it has been shown that the same has been recovered from the courtyards of the petitioner. Learned counsel further submits that the petitioner has falsely been implicated in this case inasmuch as in first information report the police states that upon demand of documents, no documents was produced by the petitioner. The petitioner was not arrested by the police from the spot. Learned counsel submits that there is discrepancies between the statement made in the first information report and in the seizure list.

Having regard to the submission made by the parties and taking into consideration the fact that from perusal of the first information report, it appears that the illicit liquor has been recovered from outside of the house of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II cum-Special Judge, Excise Act, Begusarai in connection with Bachhwara P.S. Case No. 47 of 2019, subject to



the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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