

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41368 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Binod Kumar Thakur Son of Late Ram Bilash Thakur Resident of Village -
Gobindpur, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of C2A/8/19, disclosing offences under Sections 30(a) and 38(2)
of the Bihar Excise Prohibition Act, 2016.

The allegation against the petitioner is that on 17.01.2019,
the police raided the house of the petitioner and during search
the brother of petitioner Uma Shankar Thakur has been arrested
by the police along with 34.380 litres illicit liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent inasmuch as the house from where illicit
liquor has been recovered is in joint possession of both brothers,
and his elder brother Uma Shankar Thakur has been arrested by



the police with conscious possession of illicit liquor while the petitioner was out of his house. He further submits that petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties and taking in consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and the same has been recovered from the house of the brother of petitioner, who has been arrested. On the perusal of the FIR, it transpires that no *prima facie* case under Section 30(a) is made out against the petitioner. Accordingly, this application is allowed.

Let the petitioner, Binod Kumar Thakur, in the event of his arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Vaishali at Hajipur, in connection with C2A/8/19, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of



failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

Sujit/
S. Katyayan/-

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