

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45162 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- BASANTPUR District- Siwan

Santosh Kumar @ Santosh Kumar Rai, Son of Late Indrashan Ray Resident
of Village - Bala Baes, P.S.- Basantpur (Lakdi Nabeeganj), Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Basantpur (Lakdi Nabeeganj O.P.) P.S. Case No.132 of 2019,
for the offence punishable under Sections 30(a), 41(i) of Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First
Information Report is that police on the basis of secret
information proceeded towards the house of the petitioner and
found that upon seeing the police party, three persons started to
flee away and succeeded in fleeing away from the place of
occurrence, however police recovered a total quantity of 49
litres of illicit liquor from a parti land situated south to the house
of the petitioner.



Learned counsel appearing for the petitioner submits that the petitioner has got no criminal antecedent and has not committed any offence in the manner alleged and implicated in this case only on the basis of secret information. Learned counsel further submits that from perusal of the First Information Report and the seizure list, it would be evident that illicit liquor has been recovered from the vacant land situated south to the house of the petitioner and not from inside the house of the petitioner. Learned counsel thus submits that illicit liquor has not been recovered from the conscious possession of the petitioner.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner has got no criminal antecedent and illicit liquor has not been recovered from conscious possession or inside the house of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he 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 learned



A.D.J.-II-cum-Special Judge, Excise, Siwan, subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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