

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45017 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- PIRO District- Bhojpur

ATAL KUMAR @ AHAL KUMAR Son of Mithlesh @ Mithlesh Singh
Resident of Village - Sedaha, P.S.- Tarari, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 The petitioner apprehends his arrest in connection with Piro (Hasan Bazar) P.S.Case No. 25 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner is that while the police party was on patrolling duty, they got information that two persons at Nonar Suraj Mandir were selling liquor keeping it in bags. It has further been alleged that upon arrival of police party, two persons sitting on motorcycle keeping the bags with them fled away and Chaukidar identified them.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated due to oblique motive and he has got no criminal antecedent. He further submits that co-accused has been granted bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 18213 of 2019. Learned counsel



further submits that from perusal of seizure list, it is evident that recovery has been made from near Nonar Suraj Temple which is a public place and no recovery has been made from the premises belonging to the petitioner or from his conscious possession.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession of the petitioner or from his premises and upon perusal of the FIR as well as seizure list, no *prima facie* case is made out against the petitioner as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, Excise Act, Bhojpur, Ara in connection with Piro (Hasan Bazar) P.S. Case No. 25 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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