

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.48093 of 2019**

Arising Out of PS. Case No.-46 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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Raj Kumar Rai, Son of Ram Babu Rai, Resident of Village-Dewan Tok, P.S.-  
Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

2      01-08-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the Excise Inspector of Mahua Circle received a secret information that in Sukmarpur diara several persons are preparing illegal country made liquor, consequently raid was laid when one person was apprehended, who disclosed his name as Kariban Rai and also disclosed the



name of the person, who escaped from the scene as Raj Kumar Rai, the petitioner. Consequently, 30 litres country made liquor were recovered from barren land.

It is submitted by the learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner has been disclosed by the apprehended person, who escaped from the place of seizure.

Considering the fact that the recovery has been made from an open place and the name of the petitioner sprang up on the disclosure of the apprehended person coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge -cum- Special Judge, Excise, Vaishali, Hajipur in



connection with C2A 46/19, P.R. No. 22/19, subject to the  
conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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