

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46542 of 2019

Arising Out of PS. Case No.-301 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

SUDARSHAN SINGH Son of Late Basant Singh Resident of Village -
Ruppur, P.S.- Bhabua, Distt.- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2019 The petitioner apprehends his arrest in connection with Bhabua P.S.Case No. 301 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 police recovered a total quantity of 5.2 litres country made illicit liquor from *Khalihan* situated at the back side of the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as illicit liquor has not been recovered from the house of the petitioner and the same has been recovered from *Khalihan* which is an open place situated at the back side of the house of the petitioner. Accordingly, learned counsel submits that from perusal of FIR as well as seizure list, it appears that no *prima facie* case under



the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the house of the petitioner or from his conscious possession or from the place belonging to the petitioner rather illicit liquor has been recovered from an open place, 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 IVth Additional Sessions Judge, Kaimur at Bhabua in connection with Bhabua P.S.Case No. 301 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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