

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48718 of 2019

Arising Out of PS. Case No.-213 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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VIJAY SHANKAR SAH @ VIJAY SHANKAR Son of Gunagar Sah
Resident of Village - Gangapur Chowk, Ward No.-2, P.S.- Musrigharari,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Ahtasham Ali Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 The petitioner apprehends his arrest in connection with

Excise Case No. 213 of 2019 registered under Section 30(a) of

the Bihar Prohibition and Excise Act (hereinafter referred to as

the 'Act').

Allegation against the petitioner, as per the prosecution
report, is that excise officials raided the house of the petitioner
and recovered 23.64 litres illicit liquor from inside the hayrick
kept in front of the house of the petitioner.

Learned counsel for the petitioner submits that from
perusal of the prosecution report, it is evident that illicit liquor
has not been recovered from inside the house of the petitioner
rather the same has been recovered from a place situated in front
of the house of the petitioner which is an open place,



accordingly, upon perusal of the FIR, no *prima facie* case under the Act is made out against the petitioner inasmuch as recovery has not been made from the conscious possession of the petitioner and the petitioner has got no criminal antecedent.

After having heard learned counsel for the parties and taking into consideration the fact that recovery has not been made from inside the house of the petitioner rather same is recovered allegedly from an open place situated in front of the house of 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Excise Case No. 213 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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