

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48144 of 2019

Arising Out of PS. Case No.-496 Year-2018 Thana- KHAJEKALA District- Patna

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GUNNU RAI @ GONU RAY Son of Mantun Rai Resident of Diwan
Mohalla, Sidhighat, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsels for the petitioner and the

State.

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

It is alleged that from the premises of Ganja Bridge Construction, 16.875 litres of Indian Made Foreign Liquor and 63 litres of country made liquor were recovered. The petitioner and two other co-accused persons are alleged to have stored the alleged illicit liquor.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case and that the petitioner is not having any concern with the area from where the alleged recovery has been made and hence,



the alleged recovery is not from the conscious physical possession of the petitioner.

Considering the nature of allegation and the fact that the recovery has not been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 226 of 2019, arising out of Khajekalan P.S. Case No. 496 of 2018 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

It is being made clear that the findings of this Court, on the basis of which the bail has been granted, are tentative and not a final conclusion of this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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