

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52305 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- PATORI District- Samastipur

Lakshman Kumar Pandey, Son of Latur Pandey @ Dinesh Kumar Pandey
Resident of Village- Bande, P.S. Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Shahpur Patori P.S. Case No.218 of 2019 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner as per the First
Information Report is that the police got secret information that
the petitioner along with one Dheeraj Kumar Pandey were
indulged in selling of illegal wine from his house and upon this
information, police proceeded and recovered a total quantity of
49.320 litres of illicit IMFL from the under constructed house of
co-accused Dheeraj Kumar Pandey.

Learned counsel appearing for the petitioner submits



that petitioner has got no criminal antecedent and he has falsely been implicated on the basis of some information. Learned counsel further submits that no recovery of illicit liquor has been made from the house belonging to the petitioner and from perusal of the First Information Report and the seizure list, it would be evident that the illicit liquor has been recovered from under constructed house of co-accused, Dheraj Kumar Pandey. Accordingly, the submission is that no prima face case is made out against the petitioner under the Excise Act as per the FIR and seizure list.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner has got no criminal antecedent and there is no recovery of illicit liquor from the premises belonging to the petitioner or from conscious possession of the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
IInd Addl. Sessions Judge-cum-Special Judge, Excise,
Samastipur, subject to the condition as mentioned under Section
438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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