

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57204 of 2019

Arising Out of PS. Case No.-150 Year-2019 Thana- JANDAHA District- Vaishali

SURBINDRA KUMAR @ SURVIND KUMAR @ SURVIND ROY Son of
Brij Kishore Rai Resident of Village- Silauthar, P.S.- Jandaha, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava
Mr.Ravi Bhardwaj
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jandaha Police Station Case No. 150 of 2019, disclosing offences 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 raided the house of the petitioner and recovered 31.350 litres of illicit liquor from a hutment situated towards north-sought portion of the house of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has no criminal antecedent and has falsely been



implicated in this case inasmuch as no illicit liquor has been recovered from the house of the petitioner and the same has been recovered from a tiled hutment situated outside the house of the petitioner, which is open from all sides. She further submits that the petitioner is residing in a pucca constructed house and no recovery of illicit liquor has been made from the pucca constructed house.

After having heard learned Counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from inside the house of the petitioner and the same has been recovered from a hutment situated outside the house of the petitioner and opened to all and the petitioner has no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Vaishali, at Hajipur, in connection with Jandaha Police Station Case No. 150 of 2019, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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