

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.79878 of 2018

Arising Out of PS. Case No.-248 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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Munna Singh, son of Bhukhan Singh, resident of village- Asani, P.S.-
Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-01-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Udwanthnagar P.S. Case No. 248 of

2018, corresponding to Excise Case No. 1155 of 2018,

dated 18.07.2018, instituted for the offences under Sections

30(a) of the Bihar Prohibition and Excise Act, 2016.

Approximately 100 litres of locally brewed *Mahuwa*
liquor was recovered from a Brahmasthan. The petitioner
was identified by a Chowkidar while he was running away
from the place of storage of liquor.



The learned counsel for the petitioner has submitted that such recovery from a public place of worship cannot be said to be from the constructive possession of the petitioner. Apart from this, the petitioner has also seriously challenged his identification by a Chowkidar who hails from a different village. The petitioner earlier was made accused in a similar nature of case, but in that case also he has been granted bail because of bleak evidence.

The learned counsel for the petitioner has also drawn the attention of this Court to several orders passed by different Benches of this Court, whereby other accused persons, who are similarly situated as that of the petitioner, have been granted anticipatory bail.

Considering the facts aforestated, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned 4th Addl. District and Sessions Judge, Bhojpur at Ara,
in connection with Udwanthnagar P.S. Case No. 248 of 2018,
corresponding to Excise Case No. 1155 of 2018, subject to
the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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