

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62023 of 2019

Arising Out of PS. Case No.-289 Year-2019 Thana- KHAJEKALA District- Patna

Mantun Rai Son of Bhulatan Rai Resident of Village - Gandhi Chauk,
Hamam, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner apprehends his arrest in connection with Khajekalan P.S. Case No. 289 of 2019, registered under Sections 30 (a), 38, 41 of the Bihar Excise & Prohibition Act, 2016.

The allegation against the petitioner is that petitioner along with other co-accused persons was indulged in selling of illicit liquor at Navshanti Park and proceeded towards place of occurrence and recovered total quantity of 59.400 liter illicit country made liquor from the park.

Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in this case inasmuch as from perusal of the First Information Report and Seizure List,



it would be evident that illicit liquor has been recovered from a public place i.e. park and no illicit liquor has been recovered from his conscious possession or premises belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or premises belonging to him, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the Court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna connection with Khajekalan P.S. Case No. 289 of 2019; subject to the condition as laid down hereinabove and under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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