

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61603 of 2019**

Arising Out of PS. Case No.-354 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Chandan Kumar, aged about 23 years, (Male), Son of Late Surendra Prasad @
Surendra Mahto, Resident of Village – Ajna, Ward No.06, P.S.- Kalyanpur,
Dist.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with
Samastipur Excise Case No. 354 of 2019 registered under section
30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

The allegation against the petitioner is that the Excise of
police raided the hut of the petitioner and recovered total quantity
of 60.390 liters of illicit liquor from backside of his hut kept in a
cow-shed of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case
inasmuch as no illicit liquor has been recovered from his hut
where the petitioner is residing and the same has been recovered
from the backside of the hut of the petitioner from a cow-shed



which is an open space. Learned counsel further submits that the liquor has been recovered from the hut in whose boundary huts of three others are standing and the petitioner alone can't be responsible under the Excise Act.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the hut of the petitioner and the same has been recovered from the backside of hut of the petitioner from the open cow-shed, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge Excise, Samastipur in connection with Samastipur Excise Case No. 354 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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