

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65526 of 2019

Arising Out of PS. Case No.-323 Year-2019 Thana- MANIHARI District- Katihar

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Pramod Roy, aged about 40 years, Male, Son of Late Sita Ram Roy Resident
of Village- Charwaha Vidyalaya, P.S.- Manihari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate

For the Opposite Party : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-11-2019 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest for the offences
alleged under Section 30(a) of the Bihar Excise and Prohibition Act,
2016 registered in connection with Manihari P.S. Case No. 323 of
2019.

According to the self-statement of the informant, the
prosecution case is that on 03.08.2019 when the informant along with
his police officials were on patrolling duty, he got a confidential
information that the petitioner was selling illegal country made wine
in his house at village Charwaha Vidyalaya. For confirmation of the
information, the informant reached at the house of the petitioner
whereupon he fled away from his house. The police searched his
house and recovered two bottles of country made wine containing
two and half litres.

Learned counsel for the petitioner submits that there is no
recovery of country made wine from conscious possession of the



petitioner or from his house. He further submits that house in question is in joint possession of the family of the petitioner, who has no criminal antecedents.

In the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner, subject to deposit of Rs. 5000/- in the court below and on deposit of the aforesaid amount, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, the court below shall release him on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Katihar in connection with Manihari P.S. Case No. 323 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Such deposit of Rs. 5000/- shall abide by the outcome of the criminal case.

(Anjani Kumar Sharan, J)

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