

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69826 of 2019**

Arising Out of PS. Case No.-379 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Pankaj Kumar, Son of Ram Sagar Singh, R/o Madhurapur Tanra, ward no. 06,
P.S.- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-11-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that from the under-construction
house of the petitioner, 6 litres of Indian Made Foreign Liquor
and 72.5 litres of beer were recovered.

It is submitted by learned counsel for the petitioner that the
recovery has been made from the under-construction house,
which an open area, hence the recovery cannot be treated from
the conscious physical possession of the petitioner. A statement
has been made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from under-construction house of the petitioner and he is named in the FIR.

Considering the fact that recovery has been made from an open area, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum special Judge, Excise, Samastipur in connection with Excise Case No. 379 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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