

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77223 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

RAKESH SAH, Son of Bigan Sah, Resident of Village - Harsher, P.S.-
Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 36, 38 of the Bihar Prohibition and Excise, Act, 2016 and 25(1-B)a, 26, 35 of the Arms Act.

It is alleged that from the shop of the petitioner, 6.150 litres of Indian Made Foreign Liquor and one country made gun were recovered.

It is submitted by learned counsel for the petitioner that the shop in question does not belong to the petitioner. A statement



has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. A further statement to that effect has been made in paragraph no.10 of the petition, which reads as under :-

“That it is submitted that petitioner is not the owner of the shop or alleged wine”

It is submitted by learned APP for the State that the said recovery has been made from the shop of the petitioner.

Considering the aforesaid statement to the effect that the shop in question does not belong to the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let him be released on anticipatory bail provisionally for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on 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 Act, Muzaffarpur, in connection with Siwaipatti P.S. Case No.118 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below if it is found that the



shop in question does not belong to the petitioner, otherwise,
the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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