

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74722 of 2019

Arising Out of PS. Case No.-851 Year-2019 Thana- ARA NAWADA District- Bhojpur

BALU KUMAR @ BALLU KUMAR Son of Ramavachan Chaudhari @
Ram Bachan Resident of Village - Bakri, P.S.- Udwant Nagar, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, 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 offence punishable under Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 33 litres of Indian Made Foreign Liquor has been recovered from the shop of the petitioner situated at Ara bus stand.

It is submitted by the learned counsel for the petitioner that admittedly the said recovery has not been made from the conscious physical possession of the petitioner, rather the recovery has been made from an open area. It is further submitted that the petitioner has falsely been framed in the present case, since he failed to oblige the police. A statement has been made in paragraph



no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the recovery being made from an open area, coupled with 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 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 ADJ-IV-cum-Special Judge (Excise), Bhojpur at Ara, in connection with Ara Nawada P.S. Case No.851 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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