

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83976 of 2019**

Arising Out of PS. Case No.-190 Year-2019 Thana- MADANPUR District- Aurangabad

Kail Saw @ Kaila Saw @ Kail Sahu, Son of Visanath Saw @ Vishwanath
Saw Resident of Village - Khiriyawan, P.S.- Madanpur, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mrs. Sharda Kumari

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

2 18-12-2019 Heard learned counsels for the petitioner and the
State.

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

It is alleged that from the bush situated at the backyard of the house of co-accused Nitish Kumar, 210 litres of country made liquor were recovered, when the villagers suggested that co-accused Nitish Kumar and the petitioner stored the same.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and similarly situated co-accused, Nitish Kumar has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 11.12.2019,



passed in Cr. Misc. No. 81500 of 2019. 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 the name of the petitioner sprang up on the statement of villagers.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner and similarly situated co-accused person has been granted anticipatory bail by a co-ordinate Bench of this Court, coupled with the fact 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, VII-cum-Special Judge (Excise), Aurangabad in connection with Madanpur P.S. Case No. 190 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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