

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2366 of 2020**

Arising Out of PS. Case No.-972 Year-2019 Thana- SASARAM NAGAR District- Rohtas

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Funtush Khatik @ Rakesh Kumar, Son of Late Lotan Khatik @ Late Lotan Prasad, Resident of Village - Hanumangarhi, Sarkari Bagicha, Pani Tanki, Manas Road, P.S. Sasaram Nagar, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Sasaram Nagar P.S. Case no. 972 of 2019 registered for the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on secret information being received a raid was conducted. It is further stated that one person manage to escape and was identified as the petitioner. It is further stated that on search, 9.375 litres of IMFL and 15 litres of country-made liquor was recovered from his house.



It is submitted by learned counsel for the petitioner that the allegations as levelled are all false and concocted. No recovery whatsoever has taken place. It is further submitted that although, the occurrence is said to have taken place and the seizure list was prepared on which the witnesses signed at 3:30 pm, the F.I.R. was registered after more than 3 hours later at 8:40 pm, still from perusal of the relevant page containing the seizure list, it would transpire that the same contains the F.I.R. number. It is further submitted that the petitioner has no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Sasaram Nagar P.S. Case no. 972 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, subject to



the conditions as laid down in section 438 (2) of the Criminal
Procedure Code.

(Partha Sarthy, J)

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