

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4440 of 2020

Arising Out of PS. Case No.-72 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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RAJU SAH S/o Prabhu Sah @ Prabhu Prasad R/o Mohalla- Barauli Bazar
Ward No. 9, P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shafiur Rahman

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 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 3.240 litres of country made liquor were recovered from the bricks kept in front of the house of the petitioner.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area, hence the same 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 in front of the house of the petitioner.

Considering the fact that recovery has been made from an open area, 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 2nd Addl. District and Sessions Judge, Gopalganj in connection with Excise Case No. 72 of 2019,s 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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