

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11884 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

Uma Shankar Rai Son of Sheobalak Rai Resident of Village - Chhapki, P.S.-
Maniyari, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-07-2020 Heard learned counsel for the petitioner and learned A.P.P
for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Excise Case No.163 of 2019 registered under section 30(a) of the of Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, it is stated that 414 litres of IMFL was recovered from village hutment, next to the house of Mohan Rai in the agricultural field in village Chhapki. It is stated that the place of recovery is under the control of the petitioner.

Antecedent report with respect to the petitioner had been called for but the same has not been received.

It is submitted by learned counsel for the petitioner that he has categorically stated in paragraph 3 of the petition that he has no criminal antecedent. It is further submitted that from the



place of recovery mentioned in the seizure list it would be evident that the same cannot be said to be under the exclusive control of the petitioner.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the categorical assertion of the petitioner that he has no criminal antecedent and the place of recovery is stated to be a hutment in the agricultural field, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Excise Case No.163 of 2019, he will 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 the learned Special Judge, Excise Act, Muzaffarpur, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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