

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18802 of 2020

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Fakirchand Sada @ Fakir Sada @ Pakir Sada aged about 45 years, Gender Male,
son of Late Jaglu Sada @ Janiu Sada resident of village:-Maigra, Shankarpur,
Ward No.1, P.S.: Kursakanta, District-Araria.

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the Petitioner : Mr. Mrigendra Kumar, Advocate

For the State : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 17.07.2020 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
Special Case no. 101 of 2020 (arising out Kursakanta P.S. Case
No.10 of 2020) registered under section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, on information being
received, a raid was conducted on the house of the petitioner and
it is stated that while the petitioner managed to escape, on search
9 litres of Nepali Saufi wine was recovered from a sack behind
the house of the petitioner.

It is submitted by learned counsel for the petitioner that



contrary to the allegations, no recovery as alleged has taken place. In any case the so called place of recovery cannot be said to be under the exclusive control of the petitioner. The petitioner has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the nature of allegations, the place of recovery together with the petitioner having no criminal antecedent, 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 Special Case no. 101 of 2020 (arising out Kursakanta P.S. Case No.10 of 2020), 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 2nd Additional District and Sessions Judge-cum-Special Judge, Araria, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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