

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24729 of 2020

Arising Out of PS. Case No.-252 Year-2018 Thana- MALSALAMI District- Patna

TETAR RAY S/O Laxhan Dev Ray Present Add. - Nurdiganj (Bundeltoli, Ghat Kinare), P.S.- Malsalami, Distt. - Patna. Permanent Add. - Sukumarpur, P.S. - Raghapur, Distt. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-10-2020 Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Malsalami P.S. Case no. 252 of 2018 registered under sections 272, 273 and 34 of the Indian Penal Code and sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on a raid being conducted 1.75 litres of liquor was recovered from the possession of Jaglal Mahto and 110 litres of liquor was recovered from the godown of another accused. It is further stated that Jaglal Mahto disclosed that Bhola Ray and his partner Tetar Ray, the petitioner herein are involved in the sale of liquor.



It is submitted by learned counsel for the petitioner that no recovery has taken place from the possession of the petitioner. Besides the confessional statement of a co-accused made before the police there is no other material against him and the petitioner has no criminal antecedent.

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

Having heard learned counsel for the parties and on going through the facts and circumstances of the case together with the petitioner not having any criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory 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 Malsalami P.S. Case no. 252 of 2018 (Spl. Case no. 6203/2018), 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 learned Special Judge, Excise, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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