

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73900 of 2019

Arising Out of PS. Case No.-1 Year-2008 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Mukesh Kumar, Son of Anandi Singh, Resident of Village - Nagargawan,
P.S.- Chakiya, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Excise Case No.1 of 2008, registered for the offence punishable
under Section 47A of Bihar Excise Act, 1915.

The allegation against the petitioner is that the Excise
Officials raided the Kirana shop (departmental shop) of the
petitioner and recovered a total quantity of 129.600 litres of illicit
liquor from the said shop.

Dr. Amrendra Kumar, learned counsel appearing for the
petitioner submits that the petitioner is not the real owner of the
departmental store and the fact of the matter is that the witness,
Ramchandra Sah, is the real owner of the shop but Excise Official
without verifying the ownership of the shop in question falsely
implicated this petitioner in the present case. Learned counsel



further submits that the petitioner was not having any knowledge about institution of the said case against him and for the first time, petitioner came to know about the issuance of warrant in the year 2019. Learned counsel further submits that petitioner has not been declared as proclaimed offender under Section 82(iv) of the Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and the present offence appears to be first offence of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX-cum-Special Judge, Excise Act, East Champaran at Motihari, in connection with Excise Case No.1 of 2008, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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