IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83705 of 2019

Arising Out of PS. Case No.-176 Year-2019 Thana- GOVERNMENT OFFICIAL COMP. District- Patna

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Binod Rai, (male) aged about 35 years, son of Late Ram Parvesh Rai, resident of Nasirpur Tajpur, Police Station- Didarganj, District - Patna.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Akharui Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 26-08-2020 Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Special Case No. 7218 of 2019 (arising out of P.R. No. 176 of 2019) registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information having been received, a raid was conducted in the house of the petitioner. It is stated that while the accused persons managed to escape, a total of 243 litres of IMFL was recovered from the house.

It is submitted by learned counsel for the petitioner that the petitioner lived in a joint family with other members.

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The allegations levelled in the FIR are absolutely false and concocted, which would be evident from the fact that while the raid was conducted, not a single family member was found present in the house nor a copy of the seizure list was served on any of them. 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 submissions made on behalf of the petitioner including the petitioner having no 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 Special Case No. 7218 of 2019 (arising out of P.R. No. 176 of 2019), he shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (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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