

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86802 of 2019

Arising Out of PS. Case No.-369 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAMESHWAR RAM Son of Kari Ram Resident of Village- Shankar Saraiya,
Babu Tola, P.S.- Turkaulia, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-01-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of
Turkauliya Police Station Case No. 369 of 2019, disclosing offences
under Sections 30 (a), 35 (a), 38 (1), 38 (2), 41 (1) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that on the secret information that the
petitioner along with others were engaged in the storage of illicit
liquor, the police proceeded towards the place of occurrence and
upon seeing the police, the petitioner fled away from the place of
occurrence and the police recovered 1181 litres of illicit liquor from
the Goddess Durga Temple.

Learned Counsel for the petitioner submits that the
petitioner is innocent, having no criminal antecedent. He further
submits that he is being dragged in this case based upon the secret
information allegedly received by the police. He further submits that
the recovery of illicit liquor has not been made from the premises
belonging to the petitioner or from the conscious possession of the



petitioner.

Learned APP has opposed the prayer.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the premises belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Sanjeet Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released 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 9th Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, at Motihari, in connection with Turkauliya Police Station Case No. 369 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Madhuresh Prasad, J)

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