

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20832 of 2021**

Arising Out of PS. Case No.-986 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Binay Kumar @ Binay Bari S/O Naresh Bari R/O Village- Pawai, P.S.-
Aurangabad (Muffasil), District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 29-11-2021 Let the defects, if any, be removed within four weeks
of the complete start of the physical Court.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection
with Excise Case No.986 of 2020, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

From beneath the stairs in the house of the petitioner
liquor was recovered.

Submission is that petitioner was not there at the time
of recovery nor petitioner has got any criminal antecedent. The
house is occupied by other family members also.



Considering presumption under Section 32 and consequent bar of prayer for anticipatory bail under Section 76(2) of Bihar Prohibition and Excise Act, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner within two weeks, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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