

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22142 of 2021

Arising Out of PS. Case No.-513 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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ANKIT KUMAR SAH Son of Surendra Sah @ Surendra Gupta Resident of
Village - Ekderwa, P.S.- Gopalganj Town, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Umesh Kumar Singh, learned
Advocate for the petitioner and the learned APP for the
State.

The petitioner seeks bail in anticipation of his
arrest in connection with Gopalganj P.S. Case No. 513 of
2020 dated 07.09.2020 instituted for the offences under
Sections 30(a) and 41 (1) of the Bihar Prohibition and
Excise Act, 2018.

2320 litres of raw spirit is said to have been
recovered from a semi-constructed house belonging to the
father of the petitioner.

It has been submitted on behalf of the petitioner
that he and his brother have been made accused in this
case on the presumption that the recovery is from a place
which is in joint possession of the family.

This very presumption is the defence of the



petitioner that for any recovery from the joint house, the petitioner cannot be exclusively saddled for the same.

Learned counsel for the petitioner has further submitted that the brother of the petitioner with exactly similar accusation has been granted anticipatory bail by a Bench of this Court *vide* order dated 21.10.2021 passed in Cr. Misc. No. 39765 of 2021.

The petitioner does not have criminal antecedents.

Taking into account the aforesaid submissions, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II cum Special Judge Excise, Gopalganj in connection with Gopalganj P.S. Case No. 513 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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