

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21322 of 2022**

Arising Out of PS. Case No.-179 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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BALI RAJBANSHI @ RAMBALI RAJBANSHI S/o Naresh Rajbanshi
Resident of Village - Dindir, P.S.- Haspur, District- Aurangabad and at present
resident of Village- Bandhu Bigha, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-08-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 2 litre of liquor along with 25
Kg. Jawa Mahua which was destroyed at the hut of co-accused
Naresh Rajbanshi.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from
his conscious possession. He further submits that even the place from



where the alleged recovery was made does not belong to the petitioner and his name was disclosed by the local people due to enmity with the father-in-law of the petitioner. He next submits that father-in-law has not taken the name of the petitioner, rather the name of the petitioner is alleged to have been disclosed by the local people but the name of the local people is not recorded in the FIR, as such, confessional statement has no evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Case No. 179 of 2022 (P.R. No. 28 of 2022), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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