

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23322 of 2022

Arising Out of PS. Case No.-279 Year-2021 Thana- SARAI District- Vaishali

RAKESH SAH @ RAKESH KUMAR SAH Son of Birchandra Sah Resident
of village - Sarai Purani Bazar, P.S.- Sarai, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

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 virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 165 liters of liquor out of which 30 liters is alleged to have been recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession. It is further submitted that even from perusal of the seizure list it would manifest that the place from where the alleged recovery was



made was not seized, further the house is a joint family property and as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house. Learned counsel submits that the petitioner came to be implicated by villagers as alleged in the F.I.R. but the name of the villagers has not been disclosed by in the F.I.R.

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, 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. 2,000/- (Rupees Two 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 Sarai P.S. Case No. 279 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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