

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35130 of 2021**

Arising Out of PS. Case No.-126 Year-2021 Thana- BHELDI District- Saran

SHAILESH RAI @ SHAILESH KUMAR S/o Musafir Rai R/o Village-
Shobhepur, P.S.- Bheldi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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

2 13-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 36, 38 and 41(i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that he received information that petitioner sells liquor at his door on which the police raided the premises from where one person fled and later the local *chowkidar* disclosed that the person who fled was petitioner and accordingly it is alleged that 31.23 litres of liquor was recovered which was hidden under the heap of straw in front of the door of Shailesh Rai (petitioner).

Learned counsel for the petitioner submits that



admittedly the alleged seizure was not made from the house of the petitioner but from a place in front of the house of the petitioner, further the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession.

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 taking into consideration the fact that the petitioner was not arrested from the spot, let 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) each 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 Bheldi P.S. Case No. 126 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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