

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30270 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- HATHUA District- Gopalganj

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AVINASH SINGH @ LAMBU @ ABHINASH SINGH SON OF JITENDRA
RAY @ JITENDRA KUMAR RAY R/O VILLAGE- MAHAICHA, P.S.-
HATHUA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Hathua P.S. Case no. 40 of 2022 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 61.400 litres
from a gunny bag which was thrown by the petitioner and he
managed to escape.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner has no concern with the alleged recovery. His
name has been surfaced in this case at the instance of the local



villagers before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail and he has one criminal antecedent of excise act.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Hathua P.S. Case no. 40 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Excise Court No.1, Goapalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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