

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33850 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- PAHARPUR District- East Champaran

Arjun Ram, Son Of Rudal Ram Resident Of Village - Noneya Kodar, P.S.-
Paharpur, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Ms. Rashmi Jha
For the Opposite Party/s	:	Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
30(a), 32 and 41(i) of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 10 litre of liquor from the gallon from the hut of
the petitioner. Further, 10 litre of liquor is alleged to have been
recovered from the hut of Ramji Ram.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted



that the alleged recovery is from a house and not from a hut. It is further submitted that this amply demonstrates that the implication of the petitioner in the case was based even without holding a proper inquiry. It is submitted that the house is a joint family property, as such, it cannot be alleged that it was the petitioner, who had kept the liquor in the house.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Paharpur P. S. Case No.295 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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