

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37113 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

=====

Arun Sah @ Aun Saw Son Of Late Sanichar Sah @ Late Sanichar Saw R/O
Village- Ballamjan, P.S.- Maheshkhunt, Distt.- Khagaria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Shyameshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 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 Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 05 litre of liquor from a plastic jerkin from a bush from an open courtyard of a house.

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 courtyard is an open space, which is accessible to villagers at large and as such, it appears that someone in absence of the petitioner



concealed the liquor without the knowledge of the petitioner. The learned counsel further submits that no prudent man would keep liquor in his own house. The learned counsel further submits that even the place from where the recovery is alleged, was not sealed in terms of Section 62 of the Excise Act which amply demonstrates that the alleged recovery was not in consonance with the provisions of the Act.

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. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Excise Case No.102C3 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

