

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44304 of 2022**

Arising Out of PS. Case No.-90 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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KANCHAN KUMAR S/o Suresh Ray R/o village- Diwantok, P.s.-
Gangabridge, District- Vaishali Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 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 C 2 A No. 90 of 2021 instituted for the offence under
Sections 3(a), 32(i)(ii), 41(i) of the Bihar Prohibition of Excise
Act.

Prosecution case relates to recovery of 400 litres of
country made liquor from a santro car and co-accused
Lakhindra Rai was apprehended on spot who disclosed the
name of the petitioner and co-accused Mithlesh Rai.

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 or
with the vehicle in question. The name of the petitioner has been



disclosed in this case by the apprehended co-accused Lakhindra Rai before the police, which has 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.

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 C 2 A no. 90 of 2021, 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 Special Judge, Excise (Second)-cum-Additional District and Sessions Judge, Hajipur, Vaishali subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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