

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49962 of 2022

Arising Out of PS. Case No.-411 Year-2021 Thana- KAUWAKOL District- Nawada

PANKAJ SAW @ PANKAJ KUMAR SAW Son of Shankar Saw Resident of
Village - Pali Gola Market , P.s.- Kawakole, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 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 Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of total 20 liters of liquor from an under-construction
house.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession, it is next
submitted that the house was under construction and petitioner
was not staying there and has specifically pleaded at paragraph
'7' that he was staying in his old house, it is thus submitted that



since the house was under construction as such it was accessible to people of the village as one Upendra Kumar was arrested who does not have any relation with the petitioner. Learned counsel next submits that it appears that Upendra Kumar in absence of the petitioner was using the under construction house for some illegal purposes, it is next submitted that even the seizure list is in breach of Section 62 of the Excise Act.

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, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kawakole P.S. Case No. 411 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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