

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54963 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

GAURAV KUMAR Son of Karu Yadav Resident of Village - Birajpur
Pokhraiya, P.S.- Laraiya Tand, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-11-2022 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 Piri Bazar P.S. Case no. 47 of 2022 instituted for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

Prosecution case relates to recovery of 30 liters illicit
country made liquor from co-accused Rustam Kumar near
Benipur railway crossing.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. He has falsely been
made accused in this present case. Petitioner has no concern
with the alleged recovery of illicit liquor or with the place of



occurrence. The name of the petitioner has been disclosed in this case on confessional statement of the co-accused, namely, Rustam Kumar who was arrested on spot which has no evidentiary value in the eye of law. It is further submitted that neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious 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 Piri Bazar P.S. Case no. 47 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 IV-cum-Special Judge Excise, Lakhisarai subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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