

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52741 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- MAHINDWARA District- Sitamarhi

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MUKESH RAI @ MUKESH RAY Son of Raj Kishore Ray @ Rajkishore Rai
Resident of Village- Gausnagar Dab, Ward No. 13, Police Station -
Mahindwara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30, 30(a),
33 and 36 of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

Allegation is of recovery of 40 litres of spirit from the
hut of the petitioner.

Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession. Learned counsel submits that though it is alleged that the hut belongs to the petitioner but no one stays there as the hut has no door. Learned counsel next submits that from perusal of the seizure list, it would manifest that the place from where the alleged recovery was made has not been seized which creates doubt with regard to the veracity of the allegation as alleged in the FIR.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahindwara P.S. Case No. 108 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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