

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.505 of 2022

Arising Out of PS. Case No.-105 Year-2020 Thana- PARSAUNI District- Sitamarhi

Amlesh Kumar, Son of Shambhu Sah, Resident of Village - Parsauni,
Mailwar, P.S.- Parsauni and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner is apprehending his arrest in Parsauni P.S.
Case No. 105 of 2020 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

In this case there is total recovery of about 19 litres of
adulterated toddy and 5.5 litres of illegal country made wine from
the huts and allegation against the petitioner is that he and other
co-accused persons fled away when police raid the said places.

Learned counsel for the petitioner submits that
petitioner has no concern with the hut and the recovered toddy and
illegal wine. Nothing has been recovered from the conscious



possession of the petitioner. Petitioner has no criminal antecedent. He further submits that similarly situated co-accused Sonu Kumar has been granted anticipatory bail vide order dated 20.04.2022 in Cr. Misc. No. 56467 of 2021.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioner.

Having heard learned counsel for the parties and considering the facts that there is no recovery made from conscious possession of the petitioner and he has got no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II-cum-Special Judge, Excise Act, Sitamarhi in connection with Parsauni P.S. Case No. 105 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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