

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64097 of 2022**

Arising Out of PS. Case No.-56 Year-2022 Thana- BITHAN BAZAR District- Samastipur

Bittu Kumar S/O Radhe Yadav R/O Village- Kelbari, P.S- Bithan, District-  
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Umesh Lal Verma

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      02-12-2022                      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 Bithan P.S. Case no. 56 of 2022 instituted for the offence under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case relates to recovery of total 43.920 litres of Indian Made Foreign Liquor near water tank of village kelbari.

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. Petitioner has no concern with the alleged recovery or with the place of



occurrence. It is also submitted that the alleged recovery was made from ditch near water tank of village Kelbari which is an open place and it is accessible by any person. 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 Bithan P.S. Case no. 56 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 Special Excise Court-I, Samastipur, District- Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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