

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41989 of 2023

Arising Out of PS. Case No.-192 Year-2021 Thana- GOPALPUR District- Patna

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DHARMENDRA KUMAR SON OF SURESH SINGH RESIDENT OF
VILLAGE- KARANPURA, PS- GOPALPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 3 liters of liquor from straw house of the petitioner.
4. 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 even alleged recovery is from a place which is
outside the house of the petitioner and is accessible to public at
large and he came to be implicated merely based on disclosure



made by the villager but then the FIR does not disclose the name of the villager who disclosed the name of the petitioner when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalpur P.S. Case No. 192 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The defect as pointed out by the Office is ignored.

(Satyavrat Verma, J)

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