

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31158 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- MALSALAMI District- Patna

KUNDAN KUMAR S/O ASHOK RAY R/O Village- Bhaisan Tola, P.S-
Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 2.22 litres of liquor from an open field in front of the house of Ashok Rai.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that being the son of Ashok Ray, the petitioner came to be implicated merely for the reason that the alleged recovery is from a place which is in front of their house, when admittedly



petitioner is a person with clean antecedent and the land from which the alleged recovery was made also does not belong to the petitioner.

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.1,000/- (Rupees One 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 Malsalami P.S. Case No. 172 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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