

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36347 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- PAUTHU District- Aurangabad

SANTOSH SAW @ SANTOSH KUMAR Son of Kameshwar Saw @
Kamesar Saw Resident of Village - Barahi Bazaar, P.S.- Pauthu, District -
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-06-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Pauthu Police Station Case No. 68 of 2023, dated
06.05.2023, disclosing offence punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on secret information, raided the place
of occurrence and recovered a total quantity of 522 litres of
foreign and country-made illicit liquor from an abandoned
house situated near a Shiv Temple. It is alleged that one person,
on seeing the police, fled away and he was identified by the
chowkidar as the petitioner.



Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of disclosure of his name by the local chowkidar. He further submits that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner and the petitioner is not the owner of the house, in question.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that the house in question does not belong to the petitioner and no illicit liquor has been recovered from the conscious possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Santosh Saw @ Santosh Kumar, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Special Judge, Excise-II, Aurangabad, in connection with Pauthu Police Station Case No. 68 of 2023, subject to the condition laid down under Section 438 (2) of the Code of



Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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