

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38413 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SIRDALA District- Nawada

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ASESAR RAJBANSHI S/O LATE PATI RAJBANSHI R/O Village- Rajan,
P.O and P.S- Sirdala, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithlesh Prasad Singh, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2023 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 offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of six litres of liquor from the hut of the petitioner.

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 further submitted that even the alleged recovery is not from a hut rather is from the house of the petitioner which is a joint family property as such it cannot be alleged with certainty that it was



the petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge when admittedly the petitioner is a person with clean antecedent, thus it is submitted that the petitioner came to be implicated based on suspicion.

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 Sirdala P.S. Case No. 124 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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