

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42256 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Santosh Rai, Son of Shivmuni Rai, Resident of Village- Amarpur, P.S.- Buxar,
Industrial, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2023 Heard Mr. Ravi Shankar Pathak, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Buxar (Industrial) P.S. Case No. 113 of 2023 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. It is alleged that 17.280 litres of illicit foreign liquor was recovered from the husk house of the petitioner. It is further alleged that on noticing the police party, the persons present there were succeeded in fleeing away.

4. Learned counsel appearing on behalf of the petitioner submits that the alleged husk house does not belong to the petitioner and neither he has any concern with the said place nor with the alleged recovered illicit foreign liquor. That apart,



he further submits that the name of the petitioner has been disclosed by the police personnel only on suspicion and save and except the aforesaid disclosure, there is no iota of evidence. The petitioner has absolutely got clean antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a husk house, which does not belong to the petitioner, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Buxar in connection with Buxar (Industrial) P.S. Case No. 113 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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