

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47425 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- SISWAN District- Siwan

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Nandlal Pandit Son Of Dewraj Pandit Resident Of Village - Ghurghat, P.S.-
Siswan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Ms. Kumari Anupam, learned counsel

appearing on behalf of the petitioner and Mr. Rajesh Kumar,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Siswan P.S. Case No. 152 of 2023 registered under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the allegation made in the F.I.R., 23.800
litres of illicit liquor has been recovered from the house of the
petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that nothing has been recovered from the

possession of the petitioner and he has falsely been implicated in the present case. Learned counsel further submits that two similar nature of cases pending against him in which he has already been released on bail.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that nothing has been recovered from the conscious possession of the petitioner and only 23.800 litres of illicit liquor was recovered and the same cannot be attributed to the petitioner.

7. In above view of the matter, the petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

8. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Court No. II, Siwan in connection with Siswan P.S. Case No. 152 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The court below is directed to verify the criminal

antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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