

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73348 of 2022**

Arising Out of PS. Case No.-136 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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AJIT KUMAR Son of Late Shiv Chandra Ray Resident of village -  
Gobarsahi, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Subhash Kumar,Advocate  
For the Opposite Party/s : Mr.Akbar Ali,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      06-01-2023                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing in view of the  
COVID 19.

The petitioner apprehends his arrest in connection  
with Excise P.S. Case No. 136 of 2021 arising out of P.R. No. 06  
of 2020-21 for the offence registered under Section 30(a) of the  
Bihar Prohibition and Excise Act.

As per the prosecution story, the S.I. of Excise Police  
Station upon secret information raided the houses of the accused  
Ajit Kumar and Nitesh Kumar and the allegation is that from the  
house of Ajit Kumar, the petitioner herein, 342 litres foreign  
liquor and from the motorcycle, 4.5 litres of foreign liquor were



recovered/seized.

Learned counsel for the petitioner submits that this is a common house and as such, seizure cannot be attributed to him. Further, the motorcycle was outside the house on which the police has deliberately shown the seizure of 4.5 litres. The last submission is that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the recovery/seizure is from his house.

Taking into account the fact that the recovery/seizure is from the common house, he has no criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail subject to the condition that he will be visiting the concerned police station for six months every fortnight to mark his attendance.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge, Excise, Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 136 of 2021 arising out of P.R. No. 06 of



2020-21, subject to condition as laid down under Section  
438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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