

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69210 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

AVINASH KUMAR son of Ram Ishwar Ray R/o- Baghara Mohanpur Ps-
Sahpur Patori Mohanpur OP Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Vikram Rana, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Patori (Mohanpur O.P.) P.S. Case No. 162/ 2023 dated
08/03/2023 registered for the offence(s) punishable under
Section(s) 30(a) of Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 2.880 litres of country made foreign liquor but
as per prosecution's case, the said recovery was made from
garbage dumped behind the shop of the petitioner and not from
the conscious possession of him, who has been made accused
mainly on account of his antecedents and admittedly, the



petitioner was not apprehended on the spot and as per prosecution's allegation he managed to escape and in the FIR, the source on which basis the police claimed to have identified the petitioner has not been disclosed hence in the light of these circumstances the alleged offence of Excise Act does not even prima facie attract against this petitioner and his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the bail prayer but fairly accepted that the recovery was not made from the shop of the petitioner rather the same was made behind the shop of the petitioner from a garbage dump.

5. Considering the above submissions and mainly the facts, that the alleged recovery was made from the garbage dumped behind the shop of the petitioner and the said place has not been alleged to be in physical possession of the petitioner so, this court is of the opinion that petitioner's prayer for anticipatory bail is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Patori (Mohanpur O.P.) P.S. Case No. 162/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the



like amount each to the satisfaction of the Court concerned,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Shailendra Singh, J)

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