

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72558 of 2023

Arising Out of PS. Case No.-385 Year-2023 Thana- BARUN District- Aurangabad

Kaushal Kumar @Kaushal Kumar Singh @Bhandul S/O Sri Narayan Singh
Resident Of Habaspur, P.S.- Barun, Dist. Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Adv. Mrs. Leelawati Kumari, Adv.
For the Opposite Party/s :		Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2023

1. Heard learned counsel for the Petitioner and learned

APP for the State.

2. The Petitioner apprehends his arrest in connection with Barun P.S. Case No. 385 of 2023 dated 11.08.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned counsel for the petitioner are that as per the FIR, the recovery of the alleged liquor was made from the bank of Punpun River which is admittedly an open place accessible to everyone and as per the allegation, the said recovery was made in dark evening and the police made this petitioner accused merely on the basis of a disclosure made by local chowkidar who claimed to have identified this petitioner in light of a vehicle but the said



chowkidar's name has not been disclosed in the FIR nor he has been made a witness in the seizure list and moreover, the source of identification as mentioned in the FIR is completely unbelievable and the petitioner has got no criminal antecedent of similar nature of the offence hence, in the light of these facts the alleged offence of Excise Act does not even prima-facie attract against this petitioner, so his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions, this Court finds the petitioner's prayer for anticipatory bail to be fit for acceptance. 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 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 in connection with Barun P.S. Case No. 385 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

Maynaz/-

U		T	
---	--	---	--

