

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70611 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- KESARIA District- East Champaran

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RUSTAM SAI @ MD. RUSTAM SAI, Son of Ahmad Miya @ Ahmad Sai
Resident of Village- Dilawarpur, Ward No.-9, P.S.- Kesariya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within a

period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 30(a), 32 and

41(i) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total 276.480 foreign liquor

of different brands was recovered from the hut of the petitioner.

Learned counsel for the petitioner has submitted that the

petitioner is innocent and has been falsely implicated in this case.

Learned counsel has further submitted that the said recovery was



made from *Bathan* but F.I.R. reflects that the said recovery was made from the hut. The petitioner has no concern with the alleged seized liquor. Nothing has been recovered from the conscious possession of the petitioner. No case is made out against the petitioner. The petitioner is accused in four criminal cases in which he is on bail as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Kesariya P.S. Case No. 299 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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