

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72998 of 2023**

Arising Out of PS. Case No.-340 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Samastipur

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Sangam Kumar Ray Son Of Maheshwar Ray Resident Of Village - Jitwarpur  
Dih, Ward No.3, P.S. - Muffasil, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar  
For the Opposite Party/s : Mr.Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      10-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 340/2020 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, 9 litres of illicit foreign liquor was recovered from the hut, situated behind the house of the petitioner.

Learned counsel for the petitioner submits that the place of recovery is an open place which is accessible to all. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner is innocent



and he has falsely been implicated in this case. He was not present at the place of occurrence and he has nothing to do with the alleged recovery. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)- 02, Samasthipur in connection with Excise P.S. Case No. 340/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This application stands allowed.



(Alok Kumar Pandey, J)

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