

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5556 of 2024

Arising Out of PS. Case No.-249 Year-2022 Thana- KALYANPUR District- East Champaran

Awanish Kumar @ Awanish Singh Son of Satyendra Singh @ Satendra Singh
R/o vill - Pakri Dixit, P.S. - Kalyanpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kalyanpur P.S. Case No.249/2022 registered for the
offence punishable under Sections 30(a), 41(1) of Bihar
Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

4. An allegation is of recovery of 224.64 litres of
liquor from a place near a Banana farm situated in front of semi
constructed house of the petitioner. It is next submitted that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession. It is also submitted
that merely because the alleged recovery is from a place which



is near the house of petitioner as such he has been implicated when admittedly the alleged place of recovery is accessible to public at large. The learned counsel next submits that the petitioner came to be implicated by the local chowkidar with whom he is on an inimical term because of his antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court no.I, East Champaran at Motihari in connection with Kalyanpur P.S. Case No.249/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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