

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31881 of 2024

Arising Out of PS. Case No.-370 Year-2021 Thana- RAJAOLI District- Nawada

Baru @ Biru Rajbanshi, son of Laljeet Rajbanshi, resident of Village -
Job, P.S. - Rajouli, District – Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel appearing on behalf of the

petitioner and Mrs. Asha Devi, learned A.P.P. for the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Rajauli P.S.

Case No. 370 of 2021 registered for the offences punishable

under Sections 30(a)(d)/41 of the Bihar Prohibition and

Excise Act.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 45 litres of IMFL/country made

liquor.

4. Learned counsel appearing on behalf of the

petitioner submitted that the recovery of alleged illicit liquor



appears to be made from an open place i.e., graveyard, which is easily accessible by general public. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument learned counsel submitted that similarly situated co-accused namely Alakhdeo Yadav has granted anticipatory bail by learned Co-ordinate Bench of this Court through Cr. Misc. 25081 of 2023 vide order dated 19.05.2023.

5. Learned A.P.P. appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances as mentioned above as recovery of illicit liquor is made from an open place i.e., graveyard and not from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada/concerned



court in connection with Rajauli P.S. Case No. 370 of 2021,
subject to the conditions as laid down under Section 438(2)
of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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