

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34464 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- Excise P.S. District- Samastipur

Ram Lal Thakur @ Ramlala Thakur @ Lallu Thakur Son of Ram Karan Thakur Resident of Village - Kon Bajitpur Ward No.- 04, P.S.- Karpurigram, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh
For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 327-05-2024
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Samastipur Police Station Case No. 113 of 2024, dated 02.04.2024, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that 27 liters of illicit liquor has been recovered allegedly from the shanty/hut which is in the possession of the petitioner.

4. Learned Counsel for the petitioner submits that the hut/shanty, in question, from where illicit liquor has been recovered is not in possession of the petitioner and the



petitioner does not reside there rather the same is cow shed, which is open and accessible to all and sundry. The petitioner is not having any criminal antecedent of similar nature of offence.

5. On the other hand, learned counsel for the State argues that the petitioner is having one criminal antecedent of offences punishable under Sections 379/447/34 of the Indian Penal Code and the illicit liquor has been recovered from hut/shanty, which is in possession of the petitioner.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent and illicit liquor has been recovered allegedly from shanty/hut, which is open and accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned Special Judge Excise-II, Samastipur, in connection with Samastipur Sadar Police Station Case No. 113 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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