

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48639 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- GAUTAMBUDHNAGAR District- Siwan

INDAL BIN @ INDAL PRASAD S/O SIYARAM BIN @ SITARAM
PRASAD R/O VILLAGE- DIHIYA, P.O- DINDAYALPUR, P.S- G.B.
NAGAR, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-08-2024 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 G.B. Nagar Police Station Case No. 72 of 2024, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30(a), 34, 36, 41(i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. As per the prosecution story, when the police party was returning after conducting raid from a village, it reached the village named Dihiya. Upon seeing the police party, one person tried to flee and succeeded. On search, the police party recovered 17 liters of illicit country made liquor from the bush.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. The liquor has been recovered from the open space i.e., from heap of leaves and bush.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that liquor has been recovered from the open space and not from the premises of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Shyambabu Chauhan, 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) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 1, Siwan, in connection with G.B. Nagar Police Station Case No. 72 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

8. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his



bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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