

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44688 of 2024

Arising Out of PS. Case No.-818 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Utkarsh Kumar @ Utkarsh Raj S/O Sanjay Kumar Singh R/O vill - Chainpur,
P.S. - Kanti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Sadar P.S. Case No.818 of 2021 registered under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to have in possession of 132.40 liters of country-made illicit foreign liquor and also alleged to be involved in illegal trade arises out of said illicit liquor.

4. It is submitted by learned counsel for the petitioner that name of petitioner appears out of suspicion, which is based upon information given by an unknown police



spy. It is submitted that alleged recovery of aforesaid illicit liquor appears to be made from a bush developed behind school, which is an open place and accessible by general public. The petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer for grant of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions, as implication of petitioner appears *prima facie* out of suspicion, where recovery of illicit liquor appears to be made from an open place, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on 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 Court, Excise -1, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No.818 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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