

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45408 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- MALI District- Aurangabad

Baldev Bhuiya @ Baldev Bhuyan Son of Bandhan Bhuiya, Resident of Vill-
Azad Bigha, P.S.- Mali, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nikita Mittal, Advocate.

For the Opposite Party/s : Mr. Atul Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Mali P.S. Case No.97 of 2024 instituted under Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is total recovery
of 7.920 litre foreign wine from the house of petitioner. Further
allegation is that the petitioner fled away from the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case due to village politics. She further submits that the alleged
recovery of liquor is made from the joint property of the
petitioner and he has no concern with the alleged recovery.
Learned counsel submits that there is no mandatory compliance



of statutory provisions in preparing the seizure list. She further submits that petitioner was not present at the alleged place of occurrence. She also submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Judge, Excise-II, Aurangabad, Bihar in connection with Mali P.S. Case No.97 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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