

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46503 of 2024

Arising Out of PS. Case No.-652 Year-2024 Thana- Excise P.S. District- Patna

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Upendra Rai @ Saroj Kumar S/O Late Manik Rai R/O VILL-JETHULI, P. S.-
NADI, DIST-PATNA Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad
For the Opposite Party/s : Mr. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-08-2024 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 Patna Excise (Prohibition) Police Station Case No. 652 of 2024, dated 22.03.2024, disclosing offences under Sections 30(a)/32 of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police got secret information that in the house of the petitioner, on vacant land, a temporary hut has been constructed for keeping animals, from where, the police recovered a total quantity of 531 liters of illicit liquor.
4. Learned counsel for the petitioner submits that the petitioner is not the owner of the shed/hut, constructed on the vacant land, for the purpose of keeping animals. The temporary structure (shed/hut) is situated outside the residential house of the petitioner and is open space



which is accessible to all and sundry. The petitioner is not having any criminal antecedent.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from temporary structure situated upon vacant land outside the residential house of the petitioner and the petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. 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-III, Patna, in connection with Patna Excise (Prohibition) Police Station Case No. 652 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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