

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55150 of 2024

Arising Out of PS. Case No.-240 Year-2024 Thana- CHIRAIYA District- East Champaran

Dheeraj Baitha S/o Kishundev Baitha R/o vill - Ruphara, P.S. - Shikarganj,
Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prateek Tandon, Advocate
For the State	:	Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 6 litres Nepali liquor has been recovered from behind the house of this petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner and he has been made an accused in this case merely on suspicion. The alleged recovery is from an open place, which is accessible to one and all. Petitioner has got one criminal antecedent of similar nature, in which he is already on bail.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and the fact that nothing has been recovered from conscious possession of this petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged 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 Exclusive Special Excise Court No.-3, Civil Court, East Champaran, Motihari, in connection with Shikarganj P.S. Case No. 240 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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