

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66161 of 2024

Arising Out of PS. Case No.-382 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Sanjay Baitha S/O Late Sitai Baitha @ Sitaram Baitha R/O- Bhagwanpur
Ward No- 12, P.S-Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in
Samastipur Excise P.S. case No. 382 of 2020 registered under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution allegation, in short, is that 7.5
liters liquor was recovered from the verandah which is in front
of the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got one criminal antecedent.
No incriminating material has been recovered from the
conscious possession of the petitioner. It is further submitted



that recovery is made from the verandah of joint house of the petitioner which is accessible to anyone. The petitioner has got no knowledge and concern with the alleged recovery of liquor. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Samastipur Excise P.S. case No. 382 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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