

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76895 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- EKANGARSARAI District- Nalanda

Bhola Kumar @ Bhola Prasad Son of Late Binda Mahto Resident of Village-
Parthu, P.S.- Ekangarsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-11-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Ekangarsarai PS case no. 149 of 2024, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2016.
3. The prosecution story, as per the First Information report, is that on the basis of secret information that petitioner along with co-accused Satish Kumar have kept the illicit liquor on the Boring cabin of the petitioner, situated in the field, the Police proceeded towards the place of occurrence and upon seeing the police party, two persons fled away. Upon inquiry, the name of the petitioner and other co-accused person surfaced. Police recovered 48.675 liters of illicit liquor from the said



Boring.

4. Learned Counsel for the petitioner submits that petitioner is having no criminal antecedent and he has been made accused on the basis of secret information. He further submits the Boring is situated on the land/ field of the petitioner, which was given on lease to the co-accused for the purposes of cultivation. He next submits that the Boring, from where illicit liquor has been recovered, is situated in public place, accessible to all and sundry. The petitioner denies the allegation that illicit liquor was kept by him on the said Boring.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having clean antecedent and the Boring is situated in the field, which can be accessed by anybody, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released 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 Additional District & Sessions Judge-



Vth- cum- Special Judge, Excise court, Bihar Sharif at Nalanda
in connection with Ekangarsarai PS case no. 149 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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