

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75831 of 2024

Arising Out of PS. Case No.-459 Year-2019 Thana- TAJPUR District- Samastipur

Subhash Chandra Rai son of Late Asharfi Rai village- Kasbe Ahar, Ps- Tajpur,
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tajpur P.S. Case No.459 of 2019, lodged on 15.12.2019, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution, FIR has been lodged against three named and other unknown accused persons. Total recovery of 168 Liters of wine has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that petitioner is not named in the FIR. It has been alleged that there were three named accused persons who used to do the business and they were kept the wine in the land of the petitioner. Police



has submitted final form against all the accused persons, but subsequently cognizance has been taken by the Court against the named accused persons as well as against the petitioner due to the reason that the recovery was made from his land. Counsel further submits that antecedent of the petitioner is clean.

5. Learned Additional Public Prosecutor for the State opposes the prayer for bail and submits that it is true that petitioner is not named in the FIR and after investigation his name has not come but it is also true that Court has taken cognizance against the petitioner also.

6. In the present facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Three Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Court No.II, Samastipur, in connection with Tajpur P.S. Case No. 459 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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