

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82862 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- Kasar District- Sheikhpura

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Kundan Kumar S/o Mahendra Mahto @ Mahendra Prasad R/o vill -
Sasbahana, P.S. - Kasar, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioner and Mr.
Shyameshwar Dayal, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kasar P.S. Case No. 61 of 2024 instituted for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that altogether 22 liters of country-made liquor was recovered from a street which is situated near the house of the petitioner.

4. Learned counsel for the petitioner has submitted that nothing has been recovered from his possession and the place of occurrence is an open place which is accessible to all. He submitted that the witnesses of seizure list are the members of raiding party, hence, there is no compliance of Section 100 of



the Cr.P.C. Moreover, the petitioner having three criminal antecedents out of which two cases is of similar nature.

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 of the case, let the petitioner, above named, in the event of arrest/surrender before the learned Court below within a period of four 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 learned Exclusive Special Excise Judge, Sheikhpura in connection with Kasar P.S. Case No. 61 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashok Kumar Pandey, J)

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