

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86271 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- KATRA District- Muzaffarpur

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Anish Kumar Das S/o Hariyod Das R/o Village- Katai, P.S.- Jajuar O.P.
(Katra PS.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Katra P.S. Case No. 136 of 2024 dated 07.08.2024, instituted for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act.

3. The allegation is of recovery of 261 litres of illicit
country made foreign liquor from the bush beside the road near
the house of Dahaur Miya in village Katai.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from the conscious possession or from the house of the
petitioner rather the same is recovered from the bush. It is next



submitted that only on the basis of disclosure made by the local Chaukidar, the petitioner has been made accused in this case. It is further stated that the seizure has been made from the bush, which is an open place and accessible to all. It is also submitted that other co-accused namely, Arun Kumar has been granted bail *vide* order dated 23.10.2024 passed by this court in Criminal Miscellaneous No. 71899 of 2024. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Katra P.S. Case No. 136 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. III, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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