

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12930 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- BIHTA District- Patna

MEHI LAL @ ANIL KUMAR @ ANIL PRASAD Son of Late Raja Ram
Bhagat Resident of Village- Daulatpur, P.S.- Bihta, District- Patna
... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.
For the Opposite Party/s : Mr.Amarendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.01.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on secret information to the effect that nine accused persons, including the petitioner are indulged in the business of preparing and selling of the illicit liquor, a raid was laid when all the accused persons on seeing the police escaped from the scene, but from the embankment of a canal, 170 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from an open place. It is further submitted that the



FIR also does not reflect that the seized material has been sent for its chemical examination to the FSL and moreover, similarly situated co-accused Sudhir Thakur, Jhanjhat Rai and Mithlesh Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 29.01.2019 passed in Criminal Miscellaneous No. 9347 of 2019 and it is further submitted that apart from the present case the petitioner is accused in one other case of similar nature.

Learned APP for the State submits that the petitioner is alleged to have indulged in the business of preparing and selling of illicit liquor.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and similarly situated co-accused have been granted bail, let the above named petitioner 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 Special Judge, Excise Act, Patna in connection with Special Case No. 376 of 2019, arising out of Bihta P.S. Case No.24 of 2019 .

(Dinesh Kumar Singh, J)

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