

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17309 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- NAUHATTA District- Saharsa

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MONE KHAN, Son of Late Mahboob Alam @ Mahboob Alam Khan,
Resident of Village - Nauhatta, Ward No. 15, P.S.- Nauhatta, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar 1

For the Opposite Party/s : Mrs. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a), 38(1) and
41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Jhoti Ram
being, S.I. of Nauhatta P.S. submitted to the S.H.O., Nauhatta
P.S. is to the effect that on 12.09.2018 at about 05.00 A.M., the



informant received a secret information that the petitioner along with other co-accused persons has stored huge quantity of illicit liquor in the house co-accused persons namely, Md. Saukat, Md. Barkat, Md. Israil and Md. Jasim. Consequently, a raid was laid and from the house of co-accused Md. Saukat, 9 litres, from the house of co-accused Md. Barkat, 74.34 litres, from the house of co-accused Md. Israil, 63 litres and from the house of co-accused Md. Jasim, 54 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused persons confessed that the recovered illicit liquor belongs to the petitioner and the petitioner stored the illicit liquor in their houses.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the confession of the apprehended co-accused persons.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner,



coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Sessions Judge-II-cum-Special Judge (Excise), Saharsa** in connection with **Nauhatta P.S. Case No.146 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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