

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39560 of 2019

Arising Out of PS. Case No.-145 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Bikram Kumar, Son of Late Ramesh Paswan, Resident of Village - Pankha
Toli, P.S.- Kazi Mohammadpur, Distt – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Kazi Mohammadpur (KMP) P.S.Case No. 145 of 2019 registered under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that police party, while on patrolling duty, got information that petitioner, who was indulged in selling illicit liquor, has kept liquor in his Galiara, reached near the house of the petitioner and seeing the police, he succeeded in fleeing away. Upon search, police found 32.295 litres of illegal liquor from the Galiara, which was said to be belonging to the petitioner.

Submission of learned counsel for the petitioner is that



petitioner is quite innocent and *Galiara* does not belong to the petitioner and the same is a public passage to be used by the members of the general public. The police also searched the room of the petitioner but they neither found any liquor from there nor recovered the same from the conscious possession of the petitioner as such he deserves the privilege of anticipatory bail.

After having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and on perusal of the material on record, it appears that recovery of liquor has not been made from the conscious possession of the petitioner and on the contrary, the same has been seized from a place not belonging to the petitioner and *Galiara* is not exclusively owned by the petitioner. Upon perusal of the FIR, no *prima facie* case is made out against him. Accordingly, I am inclined to grant privilege of anticipatory bail to the petitioner.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Kazi



Mohammadpur (KMP) P.S. Case No. 145 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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