

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40249 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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PANKAJ KUMAR @ PANKAJ SAO Son of Krishna Sao @ Krishna Sah R/o
Ward No. 12, Sakunat Pulpar, P.S.- Sheikhpura, Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 The petitioner apprehends his arrest in connection with
Excise Case No. 147 of 2019 registered under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Allegation as per prosecution report is that police upon
information reached near the place of occurrence and recovered
61.500 litres of foreign liquor from behind the Narsingh Temple
at Pulpar.

Learned counsel for the petitioner submits that petitioner
has been falsely implicated in this case inasmuch as the police
has recovered the alleged quantity of liquor from a public place
and not from the premises belonging to the petitioner. He further
submits that the police, without having any mode of
identification, has alleged that when they arrived, accused
persons including the petitioner fled away. Accordingly,
submission of learned counsel for the petitioner is that no *prima*



facie case is made out under the Excise Act against the petitioner and also he has got no any criminal antecedent.

After having heard learned counsel for the parties and upon perusal of material on record along with the seizurelist, it appears that recovery of liquor has been made from behind the Nursingh Temple situated at Pulpar, which is a public place and no recovery of illegal liquor has been made from the conscious possession of the petitioner. Upon perusal of prosecution report as well as seizure list, no *prima facie* case is made out against the petitioner under the Excise Act. Accordingly, I am inclined to grant 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 2nd Additional District and Sessions Judge, Sheikhpura in connection with Excise Case No. 147 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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