

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40284 of 2019

Arising Out of PS. Case No.-245 Year-2018 Thana- BIHARIGANJ District- Madhepura

MD. NAZAM, Son of Late Md. Bechan Resident of Village- Hathiondha,
Ward No. 09, Police Station- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-07-2019 The petitioner apprehends his arrest in connection with Bihariganj P.S.Case No. 245 of 2018 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that 10 litres of illegal liquor was recovered near a hut situated at the back side of the house of the petitioner and from the boundary made of bamboo sticks beside Kadam tree.

Learned counsel for the petitioner submits that petitioner has not committed any offence under the Excise Act inasmuch as the recovery of alleged illegal liquor was not made from the conscious possession of the petitioner and from perusal of the FIR, it is evident that liquor was recovered at the backside of the house and from the boundary made of bamboo stick. He further submits that house is occupied by other co-sharers also and petitioner has been made accused merely at the behest of police.



He submits that petitioner has got no criminal antecedent.

After having heard learned counsel for the parties and upon perusal of material on record along with the seizurelist, it appears that liquor in question has been recovered from the backside of the house of the petitioner and not from the conscious possession of the petitioner and from perusal of the FIR as well as the seizure list, no *prima facie* case is made out against the petitioner, 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 Additional District and Sessions Judge-II, Special Judge, Excise Act, Madhepura in connection with Bihariganj P.S.Case No. 245 of 2018, Excise Case No. 1411 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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