

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45106 of 2019

Arising Out of PS. Case No.-383 Year-2019 Thana- FORBESGANJ District- Araria

=====

SUNIL @ SUNIL CHOUDHARY @ SUNIL SAH S/o Lakhan Choudhari
Resident of Village- Madarganj, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mrs.Asha Kumari

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-07-2019 The petitioner apprehends his arrest in connection with Simraha (Forbesganj) P.S.Case No. 383 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that police got secret information that a person was going towards Madarganj having bag containing illicit liquor with him. Upon this, the police intercepted that person and chased him however seeing the police vehicle, the person leaving the bag on road, fled away. It has further been alleged that person standing nearby disclosed the name of the petitioner. The Police recovered total quantity of 7.875 litres illicit liquor from the bag which has been seized.

Learned counsel for the petitioner submits that petitioner



is innocent and has falsely been implicated in this case with oblique motive. Learned counsel further submits that neither recovery of illicit liquor has been made from the conscious possession of the petitioner nor from the premises belonging to the petitioner and his name has surfaced based upon the statement of some persons who were standing nearby while the police was seizing the bag containing illicit liquor. Accordingly, no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession of the petitioner or from his premises and on the contrary same has been seized from the side of the road which is a public place accordingly, upon perusal of the FIR as well as seizure list, no *prima facie* case is made out against the petitioner as such 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 Sessions Judge-cum-Special Judge, Excise, Araria in connection with Forbesganj



(Simraha) P.S.Case No. 383 of 2019; subject to condition as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

