

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45115 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- CHAUTHAM District- Khagaria

=====

HITESH KUMAR, Son of Ghoghan Singh, Resident of Tegachhi, P.S. -
Chautham, District - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Parmanand Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-07-2019 The petitioner apprehends his arrest in connection with

Chautham P.S.Case No. 66 of 2019 registered under Section 30(a)

of the Bihar Prohibition and Excise Act (hereinafter referred to as

the 'Act').

Allegation against the petitioner is that the police, upon
getting secret information that some illicit liquor has been brought
on the Holi festival by the petitioner at his home, raided the hut of
the petitioner and upon search, recovered 12 pouch of illicit
country made liquor having total quantity of 1.750 litre from the
bush situated behind the hut of the petitioner near Bagmati river.

Learned counsel for the petitioner submits that petitioner is
innocent and has falsely been implicated in this case. He further
submits that petitioner has got no criminal antecedent and no
recovery of illicit liquor has been made from the premises
belonging to the petitioner or from his conscious possession
inasmuch as from perusal of FIR and the seizure list, it is evident



that illicit liquor has allegedly been found from the bush behind the hut of the petitioner near Bagmati river, which is a public place, as such learned counsel submits that 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 premises belonging to the petitioner or from the conscious possession of the petitioner though the same has been recovered from an open place near bush behind the hut of the petitioner and 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 Special Judge, Excise, Khagaria in connection with Chautham P.S. Case No. 66 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	
---	--	---	--

