

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45923 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

HUSSAINI SHAH Son of Taiyab Shah Resident of Village - Aasi, P.S.-
Ghanshyampur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar

For the Opposite Party/s : Ms. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ghanshyampur Police Station Case No. 53 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police raided the house of the petitioner and recovered 1.044 litres of illicit liquor from the kitchen of his house.

Learned Counsel for the petitioner submits that the petitioner is innocent, having no criminal antecedent and only 1.044 litres has allegedly been recovered from the kitchen of the house of the petitioner, which is joint family property.



After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the kitchen of the house of the petitioner and in view of the Full Bench decision, in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered on the same day, keeping in mind the small quantity of illicit liquor recovered and that too from the joint family property.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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