

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45618 of 2019**

Arising Out of PS. Case No.-49 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

Govind Sah @ Govind Kumar Sah Son of Dukha Sah Resident of Village-
Balha, P.S.- A.P.M. and District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-07-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with A.P.M. (Ashok Paper Mill) P.S. Case No. 49 of 2019, registered under Sections 30(a), 41(i) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that on secret informant the police party intercepted a pickup van and two persons, namely, Dev Kumar Choudhary and Tahir Shekh were arrested and recovered altogether 333 of liters illicit liquor from pickup van and 225 liters of illicit liquor from the husk (Bhushkar) of one, Jai Kant Yadav. The name of the petitioner has been disclosed by the arrested accused persons.



Learned counsel for the petitioner submits that the petitioner is innocent, having no criminal antecedent, he further submits that from perusal of the FIR and seizure list, it is evident that no recovery of illicit liquor has been made from the conscious possession or vehicle or premises of the petitioner. He further submits that it has specifically been stated in para 8 of this application that the petitioner is not the owner of the pickup van from where illicit liquor has been recovered. He further submits that from perusal of the FIR and the seizure list, no *prima facie* case is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery of illicit liquor had been made from the conscious possession or vehicle or premises of the petitioner, and as such, in my opinion, no *prima facie* case is made out under the Excise Act against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Sessions Judge-IIInd-cum-Special Judge (Excise Act), Darbhanga in connection with A.P.M. (Ashok Paper Mill) P.S. Case No. 49 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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