

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50174 of 2019

Arising Out of PS. Case No.-104 Year-2019 Thana- JOGAPATTI District- West Champaran

SANJAY DHANGAR Son of Sri Kishori Dhangar Resident of Village -
Harpurwa Dhangarpatti, P.S.- Jogapatti, Distt - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jogapatti Police Station Case No. 104 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 on the secret information that the petitioner along with other were indulged in selling illicit liquor in the field of one Harnarayan Prasad, the police proceeded towards the place of occurrence and upon seeing the police, the petitioner and others fled away and in presence of witnesses, the police recovered 40 litres of illicit liquor, kept in four gallons, concealed in bushes in the field of Harnaryan Prasad.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and further the name of the petitioner has been dragged based upon the disclosure made by the chowkidar. She further submits that from the seizure list, it is admittedly apparent that the illicit liquor has been recovered from near the bushes in the field of Harnarayan Prasad, which does not belong to the petitioner and as such, no *prima facie* case is made out against the petitioner under the provisions of the Excise Act.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner or the premises belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Sanjay Dhangar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran, at Bettiah, in connection with Jogapatti Police Station Case No.



104 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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