

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52599 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- BELSAND District- Sitamarhi

Lal Sah, Son of Late Bhikari Sah Resident of Village- Chandauli, Ward No. 3,
P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Ajay Kumar (App 71)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Belsand P.S. Case No.74 of 2019 for the offence punishable
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 on some information
proceeded towards the house of the petitioner and upon seeing
the police party, petitioner fled away. It has further been alleged
that the police party searched and recovered total quantity of
4.125 litres of illicit foreign liquor behind the house of the
petitioner from the land of Mahendra Sah.

Learned counsel appearing for the petitioner submits



that petitioner has got no criminal antecedent and has falsely been dragged in this case inasmuch as from perusal of First Information Report and the seizure list, it would be evident that the illicit liquor has not been recovered from the house of the petitioner but on the contrary, it has been recovered from the land of one Mahendra Sah which is situated behind the house of the petitioner. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession or the house belonging to the petitioner and upon perusal of the FIR and seizure list, no prima facie case under the Excise Act is made out against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the illicit liquor has not been recovered from the house or the premises belonging to the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional District & Sessions Judge-II-cum-Special Judge,
Excise Act, Sitamarhi, subject to the condition as mentioned
under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

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

