

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53436 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- MUFFASIL District- Aurangabad

Rakesh Kumar, male, S/o Ashok Chaudhary, R/o village- Meghraj Bigha,
P.S.- Mufassil, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 141 of 2019 registered under
Section 30(A) of Bihar Excise (Prohibition) Amendment Act,
2018.

The allegation against the petitioner, as per the first
information report, is that the police based upon a secret
information that the petitioner was indulged in sale of illicit
liquor near Vargad tree standing near the Batane River reached
there and upon seeing the police party, one person fled away and
upon inquiry, it was disclosed that the petitioner is the person
who fled away from the place of occurrence. The police upon
search recovered the total quantity of 131 liters of illicit country



made and foreign liquor both.

Learned counsel appearing for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated due to village politics. Learned counsel further submits that from perusal of the first information report and seizure list, it is evident that illicit liquor has been recovered from open space near Batane River and beneath the Vargad tree. Learned counsel further submits that no recovery of illicit liquor has been made from the possession and from the premises belonging to the petitioner, as such no prima facie case under the provisions of Excise Act is made out.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the possession and the premises belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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 the learned Addl. Sessions



Judge-VII-cum-Special Judge (Cxcise), Aurangabad (Bihar) in
connection with Mufassil P.S. Case No. 141 of 2019 subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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