

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54977 of 2019**

Arising Out of PS. Case No.-275 Year-2019 Thana- KAJI MUHAMMADPUR District-  
Muzaffarpur

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1. Kirshna Kumar @ Krishna Mahto, S/o Chandar Mahto @ Santosh Mahto Resident of Durga Mandir, Neem Chowk Musahari, P.S.- Musahari, District- Muzaffarpur. At present resident of Loharpatti, Ward No. 32, P.S.- Kazimohammadpur, District- Muzaffarpur
  2. Asha Devi, W/o Pappu Mahto Resident of Durga Mandir, Neem Chowk Musahari, P.S.- Musahari, District- Muzaffarpur. At present resident of Loharpatti, Ward No. 32, P.S.- Kazimohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hari Kishore Thakur  
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      30-08-2019                      Heard learned counsel for the petitioners and learned  
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with  
Kazimohammadpur P.S. Case No.275 of 2019 for the offence  
punishable under Section 30(a) of Bihar Prohibition and Excise  
Act, 2016.

The allegation against the petitioners is that police  
upon secret information that petitioners were indulged in trading  
of illicit liquor proceeded toward their house and raided the  
house of the petitioners and recovered a total quantity of 95  
litres of illicit liquor near the back gate of the petitioner's house.



Learned counsel for the petitioners submits that petitioners have got no criminal antecedent and has falsely been implicated in this case based upon recovery of illicit liquor from an open space near the back gate of the petitioner's house and not from inside the house or from conscious possession of the petitioner. Learned counsel further submits that from perusal of the First Information Report and seizure list, it is evident that no prima facie case under the Excise Act is made out against the petitioners.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioners and further the same has been recovered near the back area which is open space, as such, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Special Judge, Excise Act, Muzaffarpur, subject to  
the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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