

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54642 of 2019**

Arising Out of PS. Case No.-55 Year-2017 Thana- RAJNAGAR District- Madhubani

MAHESH SAH @ MAHESH SAHU Son of Arjun Prasad Sahu Resident of  
Village-Bairbona, P.S.-Khutauna, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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

2      29-08-2019      The petitioner apprehends his arrest in connection with  
Rajnagar P.S.Case No. 55 of 2017 registered under Sections 272  
and 273 of the Indian Penal Code and 30(a) of the Bihar  
Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the  
police, on secret information, raided the house of one Amarjeet  
Purvey and recovered a total quantity of 138.240 litres as well  
as 43.200 litres of illicit liquor from the house of Amarjeet  
Purvey.

Learned counsel for the petitioner submits that petitioner  
is not named in the FIR and his name has been disclosed by the  
arrested co-accused person Ranjan Kumar before the police and  
petitioner has got no criminal antecedent. He submits that no  
illicit liquor has been recovered either from the conscious



possession of the petitioner or from the premises belonging to the petitioner, accordingly, submission is that from perusal of FIR and the seizurelist, no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession of the petitioner or the premises belonging to the petitioner and he has got no criminal antecedent, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 2nd-cum-Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 55 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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