

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55426 of 2019

Arising Out of PS. Case No.-756 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Dinesh Kumar Son of Nand Lal Chaudhary @ Nandlal Yadav @ Nandlal Chaudhari Resident of Village-Kukurmukka, Police Station-Gopalganj Town, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Gopalganj P.S. Case No. 756 of 2018, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner, as per FIR, is that the police on secret information raided the house of the petitioner and on search recovered 691.20 liters of illicit liquor from behind the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in the present case inasmuch as from perusal of the FIR and seizure list the illicit liquor has not been recovered from inside the house of the petitioner, the recovery of the same has been made from open space i.e. behind the house of the petitioner. He further submits that illicit liquor has not been



recovered from the conscious possession and the premises belonging to the petitioner, accordingly, learned counsel submits that no *prima facie* case is not made out against the petitioner under the Excise Act.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from inside the house of the petitioner and the same has been recovered from open space behind the house of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Session Judge 2nd-cum-Special Judge Excise Act, Gopalganj in connection with Gopalganj P.S. Case No. 756 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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