

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76764 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- BAHADURPUR District- Darbhanga

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AASHISH JHA @ KINSU JHA @ AASHISH KUMAR JHA Son of Sri Narayan Jha Resident of Village-Kavilpur, P.S-Bahadurpur, District-Darbhangha (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-12-2019 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Bahadurpur P.S. Case No. 440 of 2018 for the offence punishable under Sections 30(a), 38(2), 41(2) of the Bihar Excise and Prohibition Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from the orchard situated near the Kali Mandir in village Salha and during the course of investigation, it has transpired that the petitioner and other accused persons were involved in the illegal liquor trade.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the



present case. It is further submitted that the illicit liquor has neither been recovered from the petitioner nor from his house, but from a place which does not belong to the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V cum Special Judge (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 440 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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