

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71327 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- HASPURA District- Aurangabad

Dharmendra Kumar Son of Brahmdeo Prasad Resident of Village - Badherva,
P.S.- Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-11-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Haspura P.S. Case No. 162 of 2018 for the offence punishable under Section 30(A) of Bihar Excise and Prohibition Act, 2016.

The allegation is regarding recovery of 280 pouch, each of 200 ml of Jharkhand country made liquor from the motorcycle of the petitioner, which was being driven by two persons.

The learned counsel for the petitioner submits that admittedly, the petitioner has not been apprehended from the spot, hence the alleged recovery cannot be said to have been made from the petitioner herein inasmuch as in the FIR itself it is stated that there were two persons on the motorcycle, thus the



said recovery of illicit liquor might have been made from the other person, hence the provisions of the Bihar Excise Act, 2016 are not attracted in the present case. The petitioner is stated to be having clean antecedent.

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 A.D.J.-VII cum Special Judge (Excise) Act, Aurangabad in connection with Haspura P.S. Case No. 162 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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