

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71331 of 2019

Arising Out of PS. Case No.-343 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Mukesh Kumar S/o Jai Narayan Lal R/o village- Samartha Kalyanpur Ward
No. 10, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Prakash Sharma
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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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

Excise Case No. 343 of 2019 for the offences punishable under

Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2.940 liters of

illicit liquor from the shop of the petitioner.

The learned counsel for the petitioner submits that a

bare perusal of the seizure list would show that the alleged

recovery has been made from the front of the counter of the

shop, hence it can not be conclusively said that the alleged

recovery was made from inside the shop of the petitioner

inasmuch it is highly probable that bottles of liquor could have



been planted by an outsider. It is further submitted that since the petitioner was not present at the shop, the petitioner cannot be saddled with the allegation made in the FIR, as such no offence under the provisions of the Bihar Excise Act, 2018 is made out against the petitioner herein. It is further submitted that the petitioner is having a clean antecedent.

Having regard to the facts and circumstances of the case, in the event of his arrest or surrender in the court below within a period of four weeks from today, the petitioner, above named, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge Excise, Excise, Samastipur in connection with Excise Case No. 343 of 2019.

(Mohit Kumar Shah, J)

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