

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83982 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- CHAKIA District- East Champaran

DINANATH PRASAD Son of Late Maykhoon Sah Resident of Village-
Kuawan, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neelam Kumari

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273 and 290 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 36 litres of country made liquor was recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has been made from the joint family house. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the house of the petitioner, hence offence under the Bihar Prohibition and Excise Act, 2016 is made out against the



petitioner.

Considering the nature of accusation and the recovery, this Court is not inclined to grant anticipatory bail as the same is not maintainable, however keeping in view the quantity of recovery and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, it is a case for consideration of the prayer for regular bail by the learned Court below in case the petitioner surrenders within a period of six weeks and prays for the same in connection with Chakia P.S. Case No. 247 of 2019 pending in the Court of learned Ixth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran.

(Dinesh Kumar Singh, J)

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