

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85091 of 2019

Arising Out of PS. Case No.-356 Year-2019 Thana- WARISLIGANJ District- Nawada

1. KAMLESH CHOUDHARY S/o Late Chandrika Choudhary R/o village- Mosma, P.S.- Warisaliganj, District- Nawada
2. Mundrika Choudhary @ Mundrik Choudhary S/o Sawkhi Choudhary R/o village- Mosma, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-12-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Warisaliganj PS case no. 356 of 2019 registered for the offences punishable under Sections 30 (a)(d) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 12 liters of illicit liquor from the petitioner no. 1 and 23 liters of illicit liquor from the petitioner no. 2. It is alleged that the said recovery have been made from the house, in joint possession of the petitioners herein.

The learned counsel for the petitioners has



submitted that the petitioners are innocent, have been falsely implicated in the present case and they are also having a clean antecedent.

Having regard to the facts and circumstance of the case and considering the bar under Section 76(2) of Bihar Prohibition and Excise Act, 2016, this Court finds that since it cannot be said that no case is made out under the provisions of the said Act, 2016, the present petition is not maintainable, hence is dismissed, however in case, the petitioners surrender before learned court below within a period of four weeks from today and pray for regular bail, the learned court below shall hear and dispose of the regular bail petition of the petitioners herein on the very same day, considering the fact that trivial quantity of liquor have been recovered from their house and they are having a clean antecedent.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

