

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3853 of 2020

Arising Out of PS. Case No.-437 Year-2019 Thana- WAJIRGANJ District- Gaya

SANTOSH KUMAR S/o - Krishna Prasad Resident of Wazirganj Bazar, P.S.-
Wazirganj, Distt- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Wazirganj P.S. Case No. 437 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of nine litres of illicit liquor from the shop of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner is not responsible for the recovery of the illicit liquor inasmuch as the shop in question is an open place where several customers visit for purchase of medicines all through



the day.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court is of the view that since the recovery of illicit liquor has been made from the shop of the petitioner, the bar under Section 76 sub-clause (2) of the Bihar Prohibition and Excise Act, 2016 shall come into play and consequently, the present petition is not maintainable, hence the same is dismissed. However, it is directed that in case the petitioner surrenders before the learned court below within a period of four weeks from today and applies for regular bail, the learned court of Special Excise Judge, Gaya in connection with Wazirganj P.S. Case No. 437 of 2019, shall consider the bail application of the petitioner and dispose off the same on the very same day considering the fact that trivial quantity of liquor has been recovered from the shop of the petitioner.

With the aforesaid observations and directions, this petition stands disposed off.

(Mohit Kumar Shah, J)

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