

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3859 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- AAJAM NAGAR District- Katihar

BIJAY SAH Son of Late Paras Shah Resident of Village- Jhausa, P.S.-
Azamnagar (Salmari O.P.), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mrs.Madhuri Lata

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 Azamnagar (Salmari O.P.) P.S. Case No. 297 of 2019 for the offence registered under Section 30(a) read with Section 13 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 7.5 litres of illicit liquor from the house 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 house in question belongs to the petitioner as well as his family members, hence recovery of illicit liquor cannot be solely attributed to the petitioner herein.



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 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 A.D.J.-II-cum-Special Judge, Katihar in connection with Azamnagar P.S. Case No. 297 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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