

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3095 of 2020

Arising Out of PS. Case No.-1144 Year-2019 Thana- AHYAPUR District- Muzaffarpur

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Raja Kaushik S/o Uma Shankar Nirala @ Uma Shankar Sahani Resident of
Village- Rasoolpur Wajid P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Jha

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail in connection with Ahiyapur P.S. Case No. 1144 of 2019, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 36, 38 of the Bihar Prohibition Excise Act, 2016.

The allegation is regarding recovery of 191.22 liters of illicit foreign liquor from the fodder house situated in the village.

The learned counsel for the petitioner has referred to paragraph no. 8 of the present petition and has submitted that the fodder house in question neither belongs to the petitioner nor to his father. It is further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. Lastly, it is submitted that since no recovery of illicit liquor has



been made from the conscious possession of the petitioner or from his house, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that prima facie, upon a bare perusal of the FIR, prima facie no offence punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 are made out as far as the present petition is concerned, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1144 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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