

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8864 of 2020

Arising Out of PS. Case No.-384 Year-2019 Thana- SURSAND District- Sitamarhi

IRFAN ANSARI S/O Ramajan Ansari @ Ramjan Ansari @ Ramjan Resident
of Village - Punaura West, P.S.- Punaura, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Sursand P.S. Case No. 384 of 2019 for the offence
punishable under Sections 30(a)/38/41 of the Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 22.05 liters of
illicit liquor from two bags, after the police had apprehended the
co-accused person namely Sunny Kumar and he is stated to
have disclosed that the person, who had fled away, was the
petitioner herein.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and is having a clean antecedent. It is further



submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor there is any proof that the bags in question, from which the illicit liquor has been recovered, belong to the petitioner, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

The learned A.P.P. appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no recovery of illicit liquor has been made from the possession of the petitioner, this Court finds that *prima facie* the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted as far as consideration of the anticipatory bail to the petitioner, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II cum- Special Judge Excise Act, Sitamarhi, in



connection with Sursand P.S. Case No. 384 of 2019, subject to
the conditions laid down under Section 438(2) of the Code of
Criminal Procedure.

(Mohit Kumar Shah, J)

Tiwary/-

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

