

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4768 of 2020

Arising Out of PS. Case No.-396 Year-2019 Thana- NAUTAN District- West Champaran

Kamal Mukhiya, Male, aged about 70 years, Son of Late Bachchu Mukhiya
Resident of Village - Laxmipur, P.S.- Nautan, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the parties.

The petitioners is apprehending arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that from the house of the petitioner, 3.5 liters country made liquor was recovered.

It is submitted by learned counsel for the petitioner that the said recovery has not been made from the possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that since the recovery has been made from the house of the petitioner, hence, anticipatory bail application is not maintainable.



Considering the nature of recovery, this Court is not inclined to release the petitioner on anticipatory bail.

Let the learned court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned court below within a period of six weeks, in connection with Nautan P.S. Case No. 396 of 2019 pending before the learned Special Judge, Excise, Bettiah, West Champaran.

With the above observation, the present application stands disposed of.

(Dinesh Kumar Singh, J)

Rahul/Gautam

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

