

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4737 of 2020**

Arising Out of PS. Case No.-254 Year-2019 Thana- HUSSAINGANJ District- Siwan

MUNNA PASI S/o Jawahir Pasi R/o village- Gopalpur, P.S.- Hussainganj,  
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh  
For the Opposite Party/s : Mr.Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      23-01-2020                      Heard the learned counsel for the petitioner and the  
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hussainganj PS case no. 254 of 2019 registered for the offences punishable under Sections 272, 273, 420/34 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 19.620 liters of illicit liquor from “hey house” of the co-accused person namely Manoj Choudhary and it is alleged that the petitioner is also involved in business of illicit liquor.

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



since no recovery has been made from the conscious possession of the petitioner, hence provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie*, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Addl. Sessions Judge-cum-Special Judge (Excise), Siwan in connection with Hussainganj PS case no. 254 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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