

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4728 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- CHANAN District- Lakhisarai

1. VIVEK KUMAR Son of Brahmdeo Yadav Resident of Village - Jankidih,
P.S.- Chanan, District - Lakhisarai.
2. Sudhanshu Kumar Son of Brahmdeo Yadav Resident of Village - Jankidih,
P.S.- Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
		Mr. Mayank Bilochan
For the Opposite Party/s :		Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioners apprehend their arrest in connection with Chanan P.S. Case No. 160 of 2019 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 1.500 litres of illicit liquor from a tank situated behind the house of the petitioner.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. It is further submitted that the petitioner no. 1 is having a clean antecedent and as far as the petitioner no. 2 is concerned, he is accused in one other case. It is thus submitted that no recovery of illicit liquor has been made from the conscious possession of



the petitioners, hence no offence under the provisions of the Bihar Prohibition and Excise Act, 2016 are made out.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners coupled with the fact that *prima facie* no case is made out against the petitioners herein under the provisions of the Bihar Prohibition and Excise Act, 2016, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge (Excise), Lakhisarai in connection with Chanan P.S. Case No. 160 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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