

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9061 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- TETERHAT District- Lakhisarai

ANKUSH KUMAR Son of Rajesh Singh Resident of Village- Bahchha, P.S.-
Chandradeep, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar
		Mr. Ram Vinay Prasad Singh
For the Opposite Party/s :		Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Tetarhat P.S. Case No. 01 of 2020 for the offence
registered under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 134.220 liters
of illicit liquor from the house of co-accused person, namely,
Lal Singh.

The learned counsel for the petitioner submits that
the petitioner has been falsely implicated in the present case
and he is having a clean antecedent. It is further submitted that
no recovery has been made either from the conscious possession
of the petitioner or from his house, hence 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 and upon a bare reading of the FIR, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) 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 Tetarhat P.S Case No. 01 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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