

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8738 of 2020

Arising Out of PS. Case No.-466 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

MUNNA KHATTIK @ MUNNA SAH @ SITA RAMSAH Son of Late Ram
Khelawan Sah Resident of Village - Gudri Bazar, P.S.- Laheriasarai, Dist.-
Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mirityunjay Kumar, Adv.
For the Opposite Party : Mr.Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with
G.O. Case No. 1117 of 2019 arising out of Laheriasarai P.S. Case No.
466 of 2019 for the offence punishable under 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 16.110 litres of
illicit liquor from the roof of the house of one late Yogendra Sah and
the petitioner is stated to be one of the person instrumental in
bringing the liquor and keeping it on the roof of the house of late
Yogendra Sah.

The learned counsel for the petitioner has submitted
that neither the house in question belongs to the petitioner nor any
recovery of illicit liquor has been made from the conscious
possession of the petitioner, hence, the provisions of 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 parties as also taking into account the fact that neither illicit liquor has been recovered from the conscious possession of the petitioner nor the house in question belongs to the petitioner, this Court is prima facie of the view that no offence is made out under the provisions of Bihar Prohibition and Excise Act, 2016, as far as consideration of the present anticipatory bail petition is concerned, 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 to the satisfaction of learned 2nd Additional Sessions Judge-Cum-Special Judge (Excise Act), Darbhanga in connection with G.O. Case No. 1117 of 2019 arising out of Laheriasarai P.S. Case No. 466 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

K.K.RAO/-

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