

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8842 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. CHANDRA KISHORE SOREN Son of Late- Barsu Soren Resident of Village- Kailu Tol Sukhsena, P.S.- Barhara, District- Purnea.
2. Tala Devi Wife of Late- Bhojro Besra @ Bhojrai Besra Resident of Village- Kailu Tol Sukhsena, P.S.- Barhara, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Special Excise Case No. 893 of 2019 arising out of Barhara P.S. Case No. 224 of 2019, registered for the offence punishable under Sections 273, 273 of the Indian Penal Code and Section 30 of the Bihar Excise Act, 2016.

The allegation is regarding recovery of 10 liters of illicit country made liquor from a handpump situated near the house of the petitioners.

The learned counsel for the petitioners, referring to the supplementary affidavit filed today, submits that the handpump



is situated outside the house of the petitioners in an open field, hence the alleged recovery of illicit liquor is not attributable to the petitioners herein, thus, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case. It is further submitted that the petitioners are stated to be having a clean antecedent.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioners herein as far as the case of the petitioners for grant of anticipatory bail is concerned.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special Excise Case No. 893 of 2019 arising out of Barhara P.S. Case No. 224 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Mohit Kumar Shah, J)

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