

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8810 of 2020

Arising Out of PS. Case No.-176 Year-2019 Thana- MAHESHKHUNT District- Khagaria

PRITAM KUMAR CHOURASIA Son of Kantlal Chourasia @ Manikant Chourasia Resident of Village - Maheshkhunt - English, P.S.- Maheshkhunt, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 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 Maheshkhunt PS case no. 176 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 11 liters of illicit liquor from the hey house situated in open field though belonging to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and the possibility of illicit liquor being planted in the open field of the petitioner, cannot be ruled out. It is further submitted that nobody was present at the place in question from where the illicit liquor has been recovered, hence the petitioner cannot be saddled with the



liability of the illicit liquor recovered from the alleged place of occurrence, 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 submissions made by the learned counsel for the petitioner as also taking in account the fact that *prima facie*, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, 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 2nd Additional Sessions Judge-cum-Special Judge, Khagaria in connection with Maheshkhunt PS case no. 176 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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