

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8777 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

MD. MURTAZA @ MD. MURTUZA Son of Md. Sattar Resident of Village -
Chakbhikhi, P.S.- Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.Rajesh Kumar

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 Excise case no. 177 of 2019 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 1254.780
liters of illicit liquor from a truck standing near the Chakbhikhi
school. The police had arrested the co-accused persons, who had
taken the name of the petitioner herein to be the person whose
liquor was being carried in the said truck.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, is having a clean



antecedent and has been falsely implicated in the present case. It is further submitted that in the supplementary affidavit filed today, it has been categorically stated in paragraph no. 3 that the alleged vehicle/ truck does not belong to the petitioner. Lastly, it is submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his vehicle or from his truck, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

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 Special Judge, Excise



Act, Muzaffarpur in connection with Excise case no. 177 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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