

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8890 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- PANCHRUKHI District- Siwan

DILIP SAH @ DILIP KUMAR Son of Late Krishna Sah, Resident of Village
- Pachrukhi Balua Tola, P.S.- Pachrukhi, District - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Pachrukhi P.S. Case No. 03 of 2020 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 248.04 liters of illicit liquor from near the cattle shed of the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that since the illicit liquor has neither been recovered from the premises of the petitioner nor from the conscious possession of the petitioner, the provisions of the Bihar



Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no recovery of illicit liquor has been made from the conscious possession of the petitioner, this Court finds that *prima facie* the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted as far as consideration of the anticipatory bail to the petitioner, 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 each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise, Siwan, in connection with Pachrukhi P.S. Case No. 03 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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