

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8681 of 2020

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

SUNIL KUMAR Son of Kameshwar Prasad Resident of Mohalla - Mufti,
Police Station - Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2020 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 Laheriasarai PS case no. 466 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 16.110 liters of illicit liquor from the roof of the house of late Yogendra Sah and it is alleged that the petitioner is a renter in the said house and had kept the illicit liquor on the roof of the said house.

The learned counsel for the petitioner submits that the petitioner is innocent, is having a clean antecedent and it has been stated categorically in paragraph no. 6 of the present petition that the petitioner is neither a renter in the alleged house from where, illicit liquor has been recovered nor he has anything to do with the alleged



occurrence, hence it is alleged that the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie*, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, 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 Addl. Sessions Judge-cum-Special Judge (Excise Act), Darbhanga in connection with Laheriasarai PS case no. 466 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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