

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8796 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- MIRGANJ District- Gopalganj

MOHAMMAD AJEEM @ MD. WAZIM Son of Mohammad Hasan Resident of Village - Mishr Batraha @ Sahpur Batraha, P.S.- Fulwariya, District - Gopalganj, At Present - Hathua Chini Mill, P.S. - Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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.

The petitioner apprehends his arrest in connection with Mirganj P.S. Case No. 55 of 2019 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 146.880 litres of illicit liquor from an orchard situated towards eastern side of the clinic of Dr. A. Ahmad.

The learned counsel for the petitioner has submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the orchard from where the illicit liquor has been recovered, belongs to the petitioner. It is further submitted that the petitioner is having a clean antecedent.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner as also taking into account the fact that prima facie no case is made out against the petitioner under the provisions of the Bihar



Prohibition and Excise Act, 2016, as far as the present anticipatory bail petition is concerned, since neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor the orchard from where the illicit liquor has been recovered, belongs to the petitioner, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-2nd-cum-Special Judge, Excise Act, Gopalganj in connection with Mirganj P.S. Case No. 55 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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