

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8945 of 2020

Arising Out of PS. Case No.-287 Year-2019 Thana- KHAJEKALA District- Patna

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MUKESH RAI @ MUKESH RAY Son of Krishna Rai Resident of Gandhi
Chowk Hamampar, P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Ms.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Special Case No. 6023 of 2019 arising out of Khajekalan
P.S. Case No. 287 of 2019 for the offence registered under
Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise
Act.

The allegation is regarding recovery of 17.100 liters
of illicit liquor from an open space situated near the house of
one Ajeet Kumar.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, he is having a clean antecedent
and the illicit liquor has neither been recovered from the
conscious possession of the petitioner nor from his house,



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 the submissions made by the learned counsel for the petitioner, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

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 Special Judge, Excise, Patna in connection with Special Case No. 6023 of 2019 arising out of Khajekalan P.S. Case No. 287 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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