

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9048 of 2020

Arising Out of PS. Case No.-215 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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SURYADEO CHAUHAN @ SURAJDEO CHAUHAN S/o Buddhu Chauhan
R/o village- Gurma Beldar (Bharo), P.S.- Mufassil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with G.O. Case No. 215 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 60 liters of illicit country made liquor from beneath a mango tree situated in an open field.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor the open field belongs to the petitioner, 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 and upon a bare reading of the FIR, 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 Additional Sessions Judge-II-cum-Nawada in connection with G.O. Case No. 215 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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