

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10990 of 2020

Arising Out of PS. Case No.-262 Year-2019 Thana- MUFFASIL District- Aurangabad

1. Sanjay Sao @ Sanjay S/o Chakauri Resident of Village- Soukhiya, P.S.- Mufassil, Distt- Aurangabad
2. Jila Thakur S/o Cheddi Thakur Resident of Village- Lapura, P.S.- Mufassil, Distt- Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ashok Kumar Singh, Adv.
For the Opposite Party : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Mufassil P.S. Case No. 262 of 2019 for the offence punishable under 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the recovery of 11 litres of country made illicit liquor from the side of the road and the petitioner is stated to have been implicated in the present case upon his name being disclosed by the co-villager, as the person who is the owner of the said illicit liquor.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further



submitted that since no illicit liquor has either been recovered from the conscious possession of the petitioner or from his house, hence, the provisions of 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 petitioners, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, I deem it fit and proper to direct for release of the petitioners on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners above named are directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/-(rupees ten thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Aurangabad in connection with Mufassil P.S. Case No. 262 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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