

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19978 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- GOVINDPUR District- Nawada

LAKHAN CHAUDHARY, son of Amrit Chaudhary, Resident of Village-
Govindpur Dih, P.S.-Govindpur, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 20-07-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner apprehends his arrest in connection
with Govindpur Police Station Case No. 233 of 2019, registered
for the offences punishable under Sections 30 (a)/37 (c) of the
Bihar Prohibition and Excise Act, 2016 (hereinafter referred to
as 'the Act').

The allegation against the petitioner is that the police
recovered a total quantity of 4 litres of illicit liquor from the
land of the petitioner having a boundary wall and a gate.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and the alleged illicit liquor has been recovered from the vacant land of the petitioner, which is an open space and is accessible to all and sundry. He, thus, submits that upon perusal of the First Information Report and the seizure list, it appears that the illicit liquor has not been recovered from the conscious possession of the petitioner and, accordingly, no prima facie case is made out under the provisions of the Act.

After having heard learned Counsel for the parties and taking into consideration the facts that the illicit liquor has been recovered from the vacant land of the petitioner, which may be accessible to everybody, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge –cum- Special Judge, Excise, Nawada, in connection with Govindpur Police Station Case No. 233 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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