

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24346 of 2020

Arising Out of PS. Case No.-171 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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GAUTAM KUMAR Son of - Gorelal Kevat Resident of Village - Nima, P.S. -
Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Mr. Md. Sufiyan, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Excise
Case No. 171 C² of 2019 registered for the offence punishable
under Section 30(a) , 32 , 41 and 56 (a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The allegation against the petitioner as per the
prosecution report lodged by the Excise Officials that a raiding
party was constituted at the instance of D.G.P., Bihar which
proceeded towards the village- Nima and when the raiding party
reached near the pond, upon seeing them the people residing
near the pond fled away and from one of the huts the Police



recovered 20 liters of illicit liquor and also found Adhar Card of the petitioner.

Learned counsel for the petitioner submits that from perusal of the prosecution report it would be evident that there is no whisper by the raiding party that the hut in question from where the illicit liquor in question has been recovered belongs to the petitioner. Learned counsel further submits that Police has allegedly recovered Adhar Card from the said hut but the same has not been seized as the seizure list prepared under column no. – 3 of the prosecution report reflects. Learned counsel referring to paragraph no. 7 of this application submits that the hut in question does not belong to the petitioner and the petitioner has got no criminal antecedent. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him.

Having regard to the submissions made by the parties, taking into consideration material available on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II -cum-Special Judge (Excise), Lakhisarai / court concerned in connection with Excise Case No. 171C² of 2019 , subject to the condition as 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.

(Anil Kumar Sinha, J)

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