

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24400 of 2020**

Arising Out of PS. Case No.-57 Year-2020 Thana- CHAKIA District- East Champaran

JAY KISHUN SAH Son of Motilal Sah Resident of Village- Puran Chhapra,  
P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Priyesh Kumar  
For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      30-09-2020                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor representing the State, through  
Video Conferencing.

The petitioner apprehends his arrest in connection with Chakia Police Station Case No. 57 of 2020, registered for the offences punishable under Sections 147/148/323/353/332/333/407/504/506 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police, in course of patrolling, reached near Puran Chapra Bazaar and upon search, recovered 9.9 litres of illicit Foreign-made liquor and 15 litres of illicit country-made liquor from behind the shop of Ram Bharoshe Choudhary and the name of the petitioner has been disclosed on enquiry by the people that the petitioner along



with others have brought the illicit liquor in question.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has got no criminal antecedent. He further submits that from perusal of the First Information Report and the seizure list, it would be evident that illicit liquor has been recovered from behind the shop of Ram Bharoshe Choudhary and the same has not been recovered from the conscious possession or the premises belonging to the petitioner. He further submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out under the provisions of the Excise Act against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned 9<sup>th</sup> Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, at Motihari, in connection with Chakia Police Station Case No. 57 of 2020.

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

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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