

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2286 of 2020

Arising Out of PS. Case No.-254 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

SONU KUMAR Son of Shree Raja Prasad Resident of Mohalla- Near Light House Cinema, Belwaganj, Balbhadrapur, P.S.- Laheria Sarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Laheria Sarai P.S. Case No. 254 of 2018 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a bolero vehicle parked at Gudari Bazar as also from the shop of Munna Khattik.

The learned counsel for the petitioner submits that neither the bolero vehicle nor the shop belongs to the petitioner and he has been roped in the present case upon his name being disclosed by the co-accused person apprehended by the police.



It is further submitted that neither any recovery has been made from the possession of the petitioner nor from his house, hence the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case. It is also submitted that though the petitioner is an accused in one another case but he is on bail in the said case.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner as also taking into account the fact that no recovery has been made from the possession of the petitioner or from his house, this Court is of the prima facie opinion that a bare perusal of the FIR also does not constitute the offence as alleged under the provisions of Bihar Prohibition & Excise Act, 2016, hence this Court deems it fit and proper to direct for release of the petitioner on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II cum Special Judge (Excise Act) Darbhanga in connection with Lahera Sarai P.S. Case No. 254 of 2018, subject



to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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