

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86447 of 2019

Arising Out of PS. Case No.-316 Year-2019 Thana- BAKHARI District- Begusarai

SANJAY SADA S/o Late Ramdev Sada Resident of- Ward No. 09, Pirnagar,
Gamharia, P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bakhri PS case no. 316 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 10 liters of illicit countrymade liquor from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has referred to para 9 of the present petition and submitted that the fact is that the motorcycle of the petitioner had been taken by a relative from in-laws side of the petitioner namely Chandradev Mahto and in the morning, he came to know that the petitioner has



been apprehended by the police and illicit liquor has been recovered, thus, no recovery has been made from the conscious possession of the petitioner, hence provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie*, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Begusarai in connection with Bakhri PS case no. 316 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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