

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86431 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- MANIYARI District- Muzaffarpur

MD. FAIZAN S/o Md. Firoz R/o village- Sonvarsha Sah, P.S.- Maniyari,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Khurshid Anwar

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.

The petitioner apprehends his arrest in connection with
Maniyari P.S. Case No. 247 of 2019 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation is regarding recovery of 129.420 litres of
illicit liquor from the house of the co-accused person namely Md.
Rehan who was arrested by the Police and subsequently he has
been released on regular bail.

The learned counsel for the petitioner has submitted that
the petitioner has been falsely implicated in the present case and
he is having a clean antecedent. It is further submitted that the
petitioner has been implicated in the present case merely on the
pretext of him being the brother of the said co-accused person
namely Md. Rehan. It is thus submitted that since no illicit liquor



has been recovered from the conscious possession of the petitioner, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

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* a bare perusal of the FIR does not make out any case under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the present bail petition is concerned, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Maniyari P.S. Case No. 247 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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