

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85120 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- NAUTAN District- Siwan

Sudhakar Pandey @ Nanhak Pandey Son of Babu Lal Pandey, Resident of
Village - Pandey Tola, Pachlakhi, P.S.- Nautan, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Nautan P.S. Case No. 128 of 2019 for the offence
punishable under Sections 30(a), 41(1) of Bihar Prohibition and
Excise Act, 2018.

The allegation is regarding recovery of 5.600 liters of
illicit liquor from the open field of the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner has been falsely implicated in the present case
and is having a clean antecedent. It is further submitted that
apparently the illicit liquor has not been recovered from the
land/ plot of the petitioner, hence the provisions of the Bihar
Prohibition and Excise Act, 2016 are not attracted in the present



case.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, coupled with the fact that prima facie upon a bare perusal of the F.I.R., no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 as far as consideration of the present bail petition is concerned, I deem fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners above named are 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 2nd Additional Sessions Judge cum Special Judge, Excise, Siwan, in connection with Nautan P.S. Case No. 128 of 2019 subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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