

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85534 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- NAYAGAON District- Begusarai

MANKUSH KUMAR @ PUTUL Son of - Shivpuran Singh Resident of
Village - Nayagaon, Balahpur 2, P.S.- Nayagaon, 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.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Nayagaon P.S. Case No. 52 of 2019 for the offence registered under Section 120(b) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck, a Bolero vehicle, a motorcycle and from a field. The co-accused person who was apprehended from the spot, namely, Jitendra Kumar is stated to have named the persons who had fled away and one amongst them is said to be the petitioner herein.

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 neither the Bolero vehicle nor the truck, nor the motorcycle nor the field from where illicit liquor has been recovered, belongs to the petitioner and the fact is that the petitioner has been falsely roped in the present case upon confessional statement of the co-accused person, namely, Jitendra Kumar. It is thus submitted that no recovery has been made from the conscious possession of the petitioner or from his land, hence no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, considering the facts and circumstances of the case coupled with the fact that *prima facie* upon a perusal of the FIR, no offence appears to be 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 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 Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Begusarai in connection with Nayagaon P.S. Case No. 52 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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