

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86451 of 2019

Arising Out of PS. Case No.-246 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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GYASUDDIN Son of Md. Noor Hoda, Resident of Village - Dahibhatta,
Takiya Tola, P.S.- Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Gopalganj Excise Case No. 246 of 2019 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

The allegation is regarding recovery of 479.800 liters
of illicit liquor from an open field situated behind the house of
the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner has been falsely implicated in the present
case. It is further submitted that though the petitioner is an
accused in one case, but he is on bail in the said case. Lastly, it



is submitted that since the alleged recovery has been made from an open field, 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 upon a bare perusal of the FIR, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, for the purposes of consideration of the present petition for grant of anticipatory bail, 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 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 and Sessions Judge-II-cum- Special Judge, Excise, Gopalganj, in connection with Gopalganj Excise Case No. 246 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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