

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85399 of 2019

Arising Out of PS. Case No.-367 Year-2019 Thana- PAROO District- Muzaffarpur

MANOJ PATEL Son of Suryadeo Patel Resident of Village - Chiutaha, P.S.-
Paroo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2020 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 A.B.P. No. 3561 of 2019 arising out of Paroo P.S. Case No. 367 of 2019 registered for the offence punishable under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 265.59 liters of illicit liquor from the “Gothaul” (hay house) situated outside the house of the petitioner, however, being a part of the property of the petitioner.

The learned counsel for the petitioner has submitted that neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor from his house and the recovery is stated to have been made from the hay house situated outside the premises of the house of the petitioner,



hence, it cannot be said that the illicit liquor was belonging to the petitioner and in fact, the same might have been kept there by an outsider, hence, it is submitted that no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. Lastly, it is submitted that the petitioner is having a clean antecedent.

Having considered the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the petitioner as also taking into account the fact that neither the illicit foreign liquor has been recovered from the conscious possession of the petitioner nor from the house of the petitioner, this Court, prima facie, finds that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present petition is concerned.

Accordingly, this Court deems it fit and proper to grant anticipatory bail to the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in



connection with Paroo P.S. Case No. 367 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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