

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85843 of 2019

Arising Out of PS. Case No.-372 Year-2019 Thana- GRIYAK District- Nalanda

Chhotu Prasad @ Botla, S/O- Yamuna Mahto, Resident of Village - Barith,
P.S.- Katrisarai, District - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prasad Singh

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Giriyak (Katrisarai) P.S. Case No.372 of 2019, registered for the
offence punishable under Sections 30(a)/41 of Bihar Prohibition
& Excise Act, 2016.

The allegation against the petitioner as per the first
information report is that the police while on night patrolling
has received secret information that in village-Barith near
Manrega Bhawan, some persons have illegally kept English
wine for the purpose of selling the same. The police proceeded
towards the place of occurrence and recovered a total quantity
of 148.5 litres of illicit liquor from the Manrega Bhawan and
also apprehended one Ravi Ranjan Kumar, who disclosed the



name of the petitioner as well as Sonu Paswan, who allegedly fled away from the place of occurrence.

Mr. Ram Prasad Singh, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as his name has transpired on the basis of arrested co-accused. Learned counsel further submits that petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner. Learned counsel also submits that similarly situated accused person, namely, Sonu Paswan has been granted bail by this Court vide order dated 21.01.2020 passed in Cr. Misc. No.3809 of 2020.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner, and similarly situated accused person has been granted bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-III-cum-Special Judge (Excise), Nalanda at Biharsharif, in connection with Giriyak (Katrisarai) P.S. Case No.372 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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