

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.86008 of 2019**

Arising Out of PS. Case No.-251 Year-2019 Thana- GAUTAMBUDHNAGAR District-  
Siwan

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MAHATAM SAH @ MAHATMA SAH Son of Prabhu Sah Resident of  
Village - Sani Basantpur, P.S.- G.B. Nagar, Distt - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Surendra Kishore Thakur  
For the Opposite Party/s : Mr.Shaheen Begum

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**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 G.B. Nagar P.S. Case No. 251 of 2019 for the offence  
punishable under Sections 30(a)/36/38/41(1) of the Bihar  
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 73.8 liters of  
illicit liquor from the house 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.

Having regard to the facts and circumstances of the  
case and considering the submissions made by the learned



counsel for the petitioner, this Court finds that prima facie a case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence considering the bar under Section 76(2) of the said Act, 2016, this Court is of the view that the present petition is not maintainable, therefore, it is dismissed.

However, it is directed that in case the petitioner surrenders in the court below within a period of four weeks from today and seeks regular bail, the learned court of Additional Sessions Judge-II-cum- Special Judge, Excise, Siwan in connection with G.B. Nagar P.S. Case No. 251 of 2019, shall consider and dispose of the regular bail petition of the petitioner herein on the same day considering that a trivial quantity of liquor has been recovered and the petitioner is having a clean antecedent.

**(Mohit Kumar Shah, J)**

Tiwary/-

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