

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86907 of 2019

Arising Out of PS. Case No.-311 Year-2019 Thana- SULTANGANJ District- Patna

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SUNNY KUMAR @ SANNY KUMAR Son of Late Sagar Prasad Resident of
House No.8C, Mahaveer Lane, Mahendru, P.S- Sultanganj, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

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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.

This is an application for grant of anticipatory bail in connection with Sultanganj P.S. Case No. 311 of 2019, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 4.5 liters of illicit liquor from a bag which is stated to have been thrown by the petitioner on the road whereupon it is alleged that the petitioner had fled away.

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 since no recovery of illicit liquor has been made from the conscious



possession of the petitioner, no offence under the provisions of the Bihar Prohibition and Excise Act, 2016 is made out in the present case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, 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 Act, Patna in connection with Sultanganj P.S. Case No. 311 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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