

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86028 of 2019

Arising Out of PS. Case No.-294 Year-2019 Thana- PANCHRUKHI District- Siwan

AMARJEET PRASAD @ CHAPPU PRASAD Son of Sant Lal Prasad @
Santalal Prasad Resident of Village-Sahlaur, Police Station-Sarai O.P.,
District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Pachrukhi (Sarai) P.S. Case No. 294 of 2019 for the offence
registered under Sections 272 and 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 43.200 litres of
illicit liquor from behind the dilapidated house of one Dosh
Mohammad and it is alleged that the persons who had fled away,
were the petitioner and one other co-accused.

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 no
illicit liquor has been recovered from the conscious possession of
the petitioner and moreover the place from where recovery has
been made, does not belong to the petitioner, hence, 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, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie* no case is made out against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016 inasmuch as the illicit liquor has not been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 294 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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