

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86420 of 2019

Arising Out of PS. Case No.-475 Year-2019 Thana- MAHUA District- Vaishali

MD. KUSUD Son of Ali Hussain Residence of Village-Samaspura, Police Station-Mahua, District-Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Anish Chandra

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 Mahua P.S. Case No. 475 of 2019 for the offence registered under Sections 30(a) and 32(ii) of the Bihar Excise & Prohibition Act, 2018.

The allegation is regarding recovery of 94.140 litres of illicit foreign liquor from the house of one Md. Rajak Miya who is stated to have died long back. It is alleged that the house of the deceased Md. Rajak Miya was in possession of the petitioner.

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 illicit liquor has been recovered from the conscious possession of the petitioner, the provisions of 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* a bare reading of the FIR does not make out any case under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the present bail petition is concerned, 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 Additional Sessions Judge-IIInd-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 475 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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