

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86922 of 2019

Arising Out of PS. Case No.-257 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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MUKURDHAN YADAV @ MAKURDHAN CHAUDHARY Son of late
Goga Chaudhari @ late Goga Yadav Resident of Village - Sultanpur Kala,
P.S.- Jamo Bazar, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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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 A.P.P. for the State.

The petitioner apprehends his arrest in connection with
CIII No. 257 of 2019 for the offence registered under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 808.20 litres of
illicit liquor from a hut alleged to be belonging to 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, by
referring to paragraph no. 6 of the present petition, that the hut in
question does not belong to the petitioner. In fact, the learned
counsel, during the course of submission has also submitted that
the petitioner has obtained a copy of the revenue records of the
land wherein the said hut is situated and the same is stated to be



belonging to one Jainul Nisa with whom the petitioner does not have any connection. It is thus submitted that no case under the provisions of the Bihar Prohibition and Excise Act, 2016 are made out.

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, 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 District and Session Judge-II-cum-Special Judge (Excise), Siwan in connection with CIII No. 257 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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