

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87387 of 2019

Arising Out of PS. Case No.-506 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

DHIRAJ PATWA @ DHIRAJ KUMAR Son of Ashok Patwa Resident of
Village - Partap Patti, Mina Bazar, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Asha Devi

For the Opposite Party/s : Mr.K. Kishore (APP- 100)

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
Sahebganj P.S. Case No. 506 of 2019 for the offence registered
under Sections 272 and 273 of the Indian Penal Code and Section
30(a) of Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 28.20 litres of
English wine from the shop of the petitioner situated at *Mina*
Bazaar.

The learned counsel for the petitioner has submitted that
the shop of the petitioner was searched at the time when the
petitioner was not in the shop, hence the false implication of the
petitioner cannot be ruled out especially on account of the fact that
many customers visit the shop of the petitioner, hence the illicit
liquor in the shop could have been planted by some of the



customers. It has been further submitted that no illicit liquor has been recovered from the conscious possession of the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

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 Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 506 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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