

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29947 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- KHAJEKALA District- Patna

SATISH KUMAR S/O- Late Ratan Sah @ Late Ratan Sao R/O - Sabji Mandi,
Khajekalan, P.S. - Khajekalan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanu Deo

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Khajekalan Police Station Case No. 48 of 2020, disclosing offence under Sections 30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation, as per the First Information Report, is that the police, after getting information that the petitioner, along with other co-accused persons, was selling illicit liquor, proceeded towards the place of occurrence and searched the house of co-accused Manoj Sao and recovered a total quantity of 2.55 litres of illicit foreign liquor from the room of Manoj Sao and also recovered 6.3 litres of illicit foreign liquor from the



room of co-accused Archana Devi.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of statement made by co-accused and the fact that the petitioner happens to be the husband of co-accused Archana Devi, from whose possession, illicit liquor has been recovered. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from his conscious possession or the premises belonging to him. He, thus, submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that no illicit liquor has been recovered either from the conscious possession of the petitioner or the premises belonging to him and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Satish Kumar, in the event of his



arrest or surrender before the Court below within a period of four weeks from today, be released on bail 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, Patna, in connection with Khajekalan Police Station Case No. 48 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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