

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31497 of 2020

Arising Out of PS. Case No.-304 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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KISHORE KUMAR @ SHIV KUMAR S/o Late Shivrath Yadav R/o Village-
Bhawanipur Ward No.02, P.S.-Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-02-2021 Heard Mr. Shekhar Kumar Singh, learned counsel for

the petitioner and Mr. Gauri Shankar Gupta, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Excise (Complaint) Madhepura Case No. 22 of 2020-21
corresponding to Excise Case No. 304 of 2020 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The allegation as per the First Information Report is
that Excise Officials raided the house of the petitioner and
recovered 127.45 liters of illicit liquor kept inside the hip of
fodder situated at the door of the house.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case and he is a student studying in K.P. College, Murliganj in B.A.-II. Learned counsel further submits that there is dispute between the co-sharers i.e. the father and uncle of the petitioner relating to ancestral house from where the illicit liquor in question has allegedly been recovered and one of the uncles, who has lodged the case before the D.C.L.R., Madhepura making his father as party for demarcation of the land is one of the witnesses in the prosecution report-cum-seizure list. Learned counsel further submits that the fodder house is situated at the door which is an open space and the same is accessible to all and sundry and no illicit liquor has been recovered from the conscious possession of the petitioner.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that the place from where the illicit liquor has been recovered is accessible to all and sundry, no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner is having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail 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 - 2nd cum Special Judge (Excise), Madhepura / court concerned in connection with Excise (Complaint) Madhepura Case No. 22 of 2020-21 corresponding to Excise Case No. 304 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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