

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31502 of 2020

Arising Out of PS. Case No.-214 Year-2020 Thana- CHHATAUNI District- East Champaran

MUNIF DEWAN, Son of Khalil Dewan, Resident of Village- Jhakhiya, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-01-2021 Heard Mr. Abhishek Kumar, learned Counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Chhatauni Police Station Case No. 214 of 2020,
disclosing offences under Sections 270, 272, 34 of the Indian
Penal Code and Section 30(a), 41 of the Bihar Prohibition and
Excise Act, 2016.

The allegation as per the First Information Report
is that police intercepted a truck and recovered a total quantity
of 4534.90 litres of illicit liquor and three persons were arrested.
The apprehended accused, Allauddin Mian, disclosed that
liquor, in question, belongs to one Jamshed Nirala and upon
query made from Jamshed Nirala, he disclosed that petitioner



along with others used to purchase illicit liquor.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has got no criminal antecedent. Learned counsel next submits that he has falsely been implicated in this case on the basis of the confessional statement made by co-accused that petitioner used to purchase illicit liquor. Learned counsel next submits that no illicit liquor has been recovered from his conscious possession or the vehicle belonging to the petitioner. Learned counsel thus submits that from perusal of the First Information Report and seizure list, no prima facie case under the Excise Act is made out against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that no illicit liquor has been recovered from conscious possession of the petitioner or the vehicle belonging to the petitioner and 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, Munif Dewan, in the event of his arrest or surrender before the Court below within six weeks, 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 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, in connection with Chhatauni Police Station Case No. 214 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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

(Anil Kumar Sinha, J)

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