

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40080 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- KANHAULI District- Sitamarhi

MD. BALIULLAH ANSARI @ GUDDU ANSARI, SON OF MD.
AKHATAR ANSARI, RESIDENT OF VILLAGE- MURHA GHAT, P.S.-
KANHAULI, DIST- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-02-2021 Heard Mr. Ranjeet Kumar Mishra, learned counsel for
the petitioner and Mr. Akshay Lal Pandit, learned counsel
appearing for the State.

Petitioner seeks regular bail in connection with
Kanhauli P.S. Case No. 87 of 2020 registered for the offence
under Section 30 (a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

The allegation as per the First Information Report is
that 195.9 liters of Nepali Saufi liquor was recovered from a
hip of wood and cow dung kept in front of the house of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case with oblique



motive. Learned counsel next submits that from perusal of the First Information Report and the seizure list it would be evident that the illicit liquor in question has not been recovered from inside the house of the petitioner but the same has been recovered from a hip of wood and cow dung kept in front of the house which is an open space accessible to all and sundry. Learned counsel next submits that petitioner has got no criminal antecedent and he is in custody since 28.04.2020.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the same has been recovered from an open space accessible to all and sundry and the petitioner is in custody since 28.04.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II cum Special Judge (Excise) Sitamarhi / court concerned in connection with Kanhauli P.S. Case No. 87 of 2020.

It is made clear that 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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