

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38767 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- JANTA BAZAR District- Saran

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ABHYAS PRASAD @ ABHYAS KUMAR S/O DHUPNATH PRASAD @
DHRUP PRASAD R/O Village- Lahladpur @ Lahaladpur, PS. Janta Bazar,
Dist. Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023 Heard Mr. Yugal Kishore, learned counsel for the

petitioner and Mr. Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Janta Bazar PS Case No. 32/2023 dated 06.03.2023 registered

for the offence punishable under Sections 30(a) of Bihar

Prohibition & Excise Amendment Act, 2018.

3. As per FIR, the police, on the basis of secret

information that one Chhotelal Prasad and Krishna Prasad have

stored illicit liquor, arrived at the place of occurrence and

recovered altogether 169.730 litres of country made liquor as

well as foreign wine from an under-constructed house of

Chhotelal Prasad and Krishna Prasad. It has further been alleged



that upon seeing the police party, the petitioner fled away who has been identified by a local *Chaukidar*.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and no illicit liquor has been recovered from his conscious possession and from perusal of the FIR, it would be evident that the same has been recovered from an under-constructed house belonging to the co-accused persons. The petitioner has been dragged in this case on the basis of disclosure made by the local Choukidar.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that no liquor has been recovered from the conscious possession of the petitioner nor the house belongs to the petitioner from where the recovery of illicit liquor has been made, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, 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 Exclusive Special Excise Judge, Saran at Chapra in connection with Janta Bazar PS



Case No. 32/2023, subject to the condition as laid down under
Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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