

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47430 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- MUFFASIL District- West Champaran

Chhotelal Patel S/O Late Harihar Patel R/O Village- Nauka Tola, Dusaiya,
P.S- Banuchhapar O.P., Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Bhanu Pratap Singh, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Mufassil (Banuchhapur O.P.) P.S. Case No. 245 of
2023 registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per the allegation made in the F.I.R., 5 litres of
country made liquor has been recovered Mango orchard near
Belwaria Village.

4. Learned counsel appearing on behalf of the
petitioner submits that the alleged recovery is made from
Mango orchard near Belwaria Village which does not belong to
the petitioner. Learned counsel further submits that one more

case of similar nature is pending against the petitioner in which he has already been released on bail.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation as well as quantity of recovered liquor which is only 5 litres from Mango orchard near Belwaria Village which does not belong to the petitioner, I am of the opinion that petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Judge, Excise, Bettiah, West Champaran in connection with Bettiah Mufassil (Banuchhapur O.P.) P.S. Case No. 245 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will

automatically lose its force.

(Purnendu Singh, J)

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