

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74346 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- CHAUTHAM District- Khagaria

Aarif @ Md. Aarif Alam Son of Late Sultan Miya @ Md. Sultan Resident of
Village - Telaunchh, P.S. - Chautham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Chautham P.S. Case No. 174 of 2024 dated 08.06.2024 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2022.

3. As per the First Information Report the Police party recovered 05 liters of country made liquor and apparatus used for manufacturing liquor from a maize field.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged. He submits that the petitioner has falsely been implicated in the present case due to village politics and the local Chaukidar has disclosed the name of the petitioner. He submits that during search and seizure the provisions contained



in Section 100 Cr.P.C. has not been followed. The illicit country made liquor has not been recovered from the conscious possession and / or house belonging to the petitioner rather the same has been recovered from a maize field, which is an open space accessible to all and sundry.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor in question has not been recovered from the conscious possession and / or house belonging to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge Excise-I Khagaria in connection with Chautham P.S. Case No. 174 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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