

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77948 of 2024

Arising Out of PS. Case No.-422 Year-2022 Thana- RAFIGANJ District- Aurangabad

Gulam Kaushar S/o Ainool Haque R/o vill - Quazichak, P.S - Rafiganj, Distt.
- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 26-11-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Rafiganj Police Station Case No. 422 of 2022, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 (hereinafter referred to as 'the Act').
3. The prosecution story, as per the First Information Report, is that the informant being the police personnel, got information that petitioner has stored illicit liquor in his chicken shop and he is also engaged in selling of illicit liquor. On 02.12.2022 at about 11.45 O' clock, when the informant along with police party reached in front of the house of one Siraj Ahmad, he saw one person fleeing away. The villagers who



were present at the place of occurrence, disclosed his name as Gulam Kaushar (petitioner). On search, 40 ltrs. of illicit liquor has been recovered from chicken shop of the petitioner kept in a tin drum.

4. Learned Counsel for the petitioner submits that the chicken shop, from where illicit liquor has been recovered, does not belong to the petitioner. He resides at Kanpur and due to dirty village politics, he has falsely been implicated in this case. Petitioner is having no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the chicken shop of the petitioner, kept in a tin drum. Accordingly, a *prima facie* case is made out against the petitioner under Section 30(a) of the Act, as such, I am not inclined to exercise my discretion for grant of anticipatory bail.

6. This application is, accordingly, dismissed, however the petitioner is granted liberty to surrender and seek regular bail from the learned court of Exclusive Special Judge, Excise Court No. 01, Aurangabad. If bail application is filed by the petitioner within four weeks, the concerned court may decide



the same on the same day without being prejudiced that
anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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