

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77885 of 2024

Arising Out of PS. Case No.-212 Year-2024 Thana- ATHMALGOLA District- Patna

Gulshan Kumar @ Pipari S/o- Sri Shatrudhan Paswan Resident of
Bahadurpur P.S- Athmalogola, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Manglam
Mr. Mrinal Shankar
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 25-11-2024 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 Athmalgola Police Station Case No. 212 of 2024, dated 17.07.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that on secret information that the accused persons are selling illicit liquor from their house, the police reached and recovered 09 liters of illicit country made liquor from the hutment of one Bambu Mistri. Upon enquiry the local



villagers disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is having clean antecedent and has not committed any offence in the manner alleged. The petitioner has been made accused on the basis of disclosure of his name by the local villagers. He next submits that illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner. He further submits that illicit liquor has been recovered from the hutment situated on the land of one Bambu Mistri which is open space and is accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent and illicit liquor has been recovered from the hutment of one Bambu Mistri which is situated in open space and is accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) with two sureties of the like amount each
to the satisfaction of the learned Exclusive Special Judge,
Excise, Barh, in connection with Athmagola Police
Station Case No. 212 of 2024, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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