

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81961 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Prakash Prasad Son of Jalim Prasad @ Jalim Mahto @ Jalim Miya Resident
of Village- Mahua Khap, Dighwdubauli, Police Station- Baikunthpur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-12-2024 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 Baikunthpur Police Station Case No. 258 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, the police got the secret information that the illicit liquor has been kept by the petitioner in his house, proceeded towards the place of occurrence and upon seeing the police party, the petitioner fled away. Local chowkidar identified him and the police recovered 41 liters of country made liquor kept in the sack near the back boundary wall of the petitioner's house.

4. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has falsely been implicated in the present case on the basis of secret information. The illicit liquor has been recovered near the



boundary wall situated at the back side of the house which can be accessed by anybody.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and the illicit liquor has been recovered from an open space, 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 learned Additional District and Sessions Judge XIII cum Learned Special Excise Court No. 1, Gopalganj, in connection with Baikunthpur Police Station Case No. 258 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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