

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81296 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- NADI P.S. District- Patna

MD. KALLU AHMAD @ KALLU AHMAD S/O LATE RAFI AHMAD @
LATE MD RAFI AHMAD RESIDENT OF VILLAGE-SABALPUR,
POLICE STATION-NADI, DIST-PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-12-2024 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 Nadi Police Station Case No. 367 of 2023, dated 29.10.2023, 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 the police, on secret information that the petitioner has kept illicit liquor near boundary wall of his house, reached at the place of occurrence and saw that nobody was present there. Upon search, the police recovered 8.04 liters of illicit liquor from near the boundary wall of the



house of the petitioner. The local villagers disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to suspicion and village politics. The name of the petitioner has transpired on the basis of disclosure by the local villagers. He next submits that illicit liquor has not been recovered from conscious possession of the petitioner and/or from the premises belonging to him. Rather, illicit liquor has been recovered from near the boundary wall of his house, which is open space accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the name of the petitioner has transpired on the basis of disclosure by local villagers and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from open space 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 Special Judge Excise, Patna City, in connection with Nadi Police Station Case No. 367 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

