

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78813 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- NADI District- West Champaran

Mukesh Kumar @ Mukesh Sah S/o Parsan Sah @ Parasan Sah R/o Village-
Puraina Hari Narayan Sah Ke Tola, P.S.- Nadi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-12-2024 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. 33 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that the police got secret information that co-accused persons have kept huge quantity of liquor in bamboo clump situated behind the house of the petitioner for the purpose of sale. On search, 158.94 litres of illicit liquor has been recovered from the bamboo clump. Arrested person, namely, Parsan Sah disclosed the name of the petitioner who succeeded in fleeing away.

4. Learned Counsel for the petitioner submits that the liquor has been recovered from the bamboo clump which is an open place, accessible to all and his father was arrested from the place of occurrence. He further submits that petitioner has been



made accused on the basis of disclosure of his name by co-accused Parsan Sah i.e., father of the petitioner. He next submits that the liquor has not been recovered from the conscious possession of the petitioner and the same has been recovered from the bamboo bush situated in the bamboo clump.

5. Having heard learned Counsel for the parties concerned and taking into consideration the fact that illicit liquor has been recovered from bamboo clump which is accessible to all, 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 Special Judge, Excise, Bagaha, West Champaran, in connection with Nadi P.S. Case No. 33 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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