

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74065 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

Sohan Mali @ Sohan Kumar Mali Son of Bilat Mali Resident of Pohaddi
Bela, P.S.- Ghanshyampur, Distt.- Darbhanga

... .. Petitioner/s
Versus
The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 22-01-2025 1. Heard Mr. Kaushal Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.
2. The petitioner apprehends his arrest in connection with Ghanshyampur P.S. Case No. 256 of 2024 dated 13.08.2024 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. As per the first information report a total quantity of 166.200 liters of Nepali liquor has been recovered beside the road of Pohaddi and the Mahal Choukidar identified the petitioner as the person who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence in the manner alleged. He submits that illicit Nepali liquor in question has not been recovered from the conscious possession of the petitioner and / or premises belonging to him. He further submits that illicit liquor has been recovered from a place beside the road of Pohaddi, which is an open space accessible to all and sundry. He next submits that Police did not follow the procedures of search and seizure prescribed under Section 100 Cr.P.C.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that illicit Nepali liquor has been recovered from an open space easily accessible to everyone, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge-II (Excise Act), Darbhanga in connection with Ghanshyampur P.S. Case No. 256 of 2024



subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anil Kumar Sinha, J)

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