

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27341 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -BEUR District- PATNA

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1. Sanjay Kumar, S/o Bindeshwar Rai, R/o- Village-Bikhachak, P.S.-
Gardanibagh, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2/ 22-06-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Special Case
No.2149 of 2017 arising out of Beur P.S. Case No.120 of 2017
instituted for the offence under Section(s) 272 Indian Penal Code
and Section 30(a) (b) (c) of the Bihar Excise Amended Act, 2016.

As per allegation in the written report, 9780 bottles
of Kingfisher Beer was recovered from the house of Pappu Rai.
Seizure list was prepared, which bears signature of Pappu Rai.
Pappu Rai disclosed before the police that the said Beer belongs
to Sanjay Kumar (petitioner), who has kept it in his house. He has
given the premises to Sanjay Kumar on the monthly rental of
rupees five thousand to keep the liquor.



Learned APP has submitted that anticipatory bail application is barred under Section 76 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the Petitioner has submitted that the offences as described under Bihar Prohibition and Excise Act, 2016, is clearly mentioned in Section 30 of the aforesaid Act. None of the ingredients of Section 30 of the aforesaid Act will apply against this petitioner in the facts and circumstances of this case. There is no direct recovery from the possession of the petitioner. There is also no allegation of manufacturing of liquor against the petitioner. It is further submitted that the petitioner has no criminal antecedents.

From the written report as well seizure list, it is clear that the Beer has been recovered from the possession of Pappu Rai, who disclosed the name of this petitioner. He has further stated before the police that he has given the premises to the petitioner for keeping the liquor on monthly rental of rupees five thousand.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Special Case No.2149 of



2017 arising out of Beur P.S. Case No.120 of 2017, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Patna subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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