

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42405 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- BANSHI District- Jehanabad

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1. MANISH KUMAR Son of Bharat Paswan Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.
 2. Ravindra Singh @ Ravindra Kumar Son of Late Khabirchand Singh Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.
 3. Munna Kumar Son of Shiv Vardhan Singh Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.
 4. Pramod Kumar @ Mukhiya Yadav Son of Chhotan Singh Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.
 5. Gard Singh @ Vishwanath Singh Son of Yamuna Singh Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Banshi Police Station Case No. 15 of 2019, disclosing offences under Sections 30 (a) (b) (c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, based on the First Information Report, is that on the date of occurrence, the police got a secret information about preparation of illegal



liquor on the bank of River Punpun and the police arrived there and destroyed mahua jawa. It has been alleged that 30 litres of country made liquor along with jawa mahua was recovered near the bank of River Punpun from a bhatti of Vimal Yadav. It has been alleged that when the police tried to apprehend them, the petitioners and other co-accused damaged the police vehicle and one motorcycle of the villager and the names of the petitioner have been disclosed by Mahal Dafadar and on that basis, First Information Report has been lodged against 30 named accused.

Learned Counsel for the petitioner submits that the petitioners have falsely been implicated in the present case due to village politics inasmuch as the petitioners always complained about the illegal trade of liquor to police, which was flourishing near the River Punpun with the patronage of some high ups and the persons involved in the illegal trade of liquor were instrumental in falsely implicating the petitioners in the present case. He further submits that from perusal of the First Information Report and the seizure list, it would be evident that no utensils for manufacturing of liquor or any amount of liquor was recovered from the possession of the petitioners and on the contrary, illicit liquor has been recovered from the bhatti of one Vimal Yadav, accordingly, no *prima facie* case under the



provisions of the Excise Act is made out against the petitioners.

After having heard learned Counsel for the parties and taking into consideration the facts that no amount of liquor has been recovered from the possession of the petitioners and further no material for preparation of liquor was recovered from the possession of the petitioners, as such, in my opinion, no *prima facie* case is made out against the petitioner under the provisions of the Excise Act.

Accordingly, this application is allowed.

Let the petitioners, named above, 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 Sessions Judge II -cum- Special Judge, Excise, Jehanabad, in connection with Excise Case No. 346 of 2019, arising out of Banshi Police Station Case No. 15 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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