

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50392 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- AMAS District- Gaya

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Surendra Sah @surendra Sao Son of Ram Gulam Sao @ RamGulavan Sao @
Ram Gulavan Sah Resident of Village/Mohalla- Salaiya, P.S.- Salaiya,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-11-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Amas PS case no. 123 of 2019 registered for
the offences punishable under Sections 30(a), 56(B) of Bihar
Prohibition and Excise Act, 2016 and Sections 272, 273 of
Indian Penal Code.

The case of the prosecution in brief is that the
police, upon receipt of secret information, had conducted search
during the course whereof, one pick-up vehicle was
apprehended and upon search being made, total 560 ltrs. of
spirit/ liquor was recovered and the driver namely Ranjit Prasad
was arrested who upon investigation, disclosed that the



petitioner herein was the person who has supplied the said liquor/ spirit to him.

The learned counsel for the petitioner submits that the petitioner is innocent, is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that prima facie, no case is made out under the provisions of the Bihar Prohibition of Excise Act, 2016, inasmuch as neither any illicit liquor has been recovered as far as the petitioner is concerned nor he has got any connection, either with the driver or with the vehicle in question since the vehicle does not belong to him.

Considering the nature of accusation and the fact that prima facie, no case is made out under the provisions of the Excise Act, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Amas PS case no. 123 of 2019 subject



to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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