

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3820 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- SAKURABAD District- Jehanabad

VISHAL KUMAR @ TINKU SHARMA S/o Shri Braj Kishore Sharma R/o
village- Saraiya, P.S.- Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Excise Case No. 1269 of 2019 arising out of Shakurabad P.S. Case No. 219 of 2019, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 9 liters of illicit liquor from the house of the petitioner and the father of the petitioner had disclosed that the illicit liquor was brought by his son.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that admittedly, the illicit liquor has not been recovered from the



conscious possession of the petitioner, hence, no offence is made out under the provisions of Bihar Prohibition and Excise Act, 2016, thus, there is no impediment in grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, as also coupled with the fact that the illicit liquor in question has not been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II, Jehanabad in connection with Shakurabad P.S. Case No. 219 of 2019 (Excise Case No. 1269 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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