

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5939 of 2020

Arising Out of PS. Case No.-373 Year-2019 Thana- KAUWAKOL District- Nawada

BITTU KUMAR Son of Ram Prasad Mahto Resident of Village - Bijho, P.S.-
Kowakole, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kawakole P.S. Case No. 373 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged in the First Information Report that on seeing the police patrol party two person started fleeing away. One of them was arrested, whereas the other managed to flee away. From the possession of the person, who was apprehended, the police recovered 700 ml of India Made Foreign Liquor. He is said to have disclosed the petitioner's name as the person, who had given him the illicit liquor and is involved in the business of illicit trade of liquor.

Learned counsel for the petitioner has submitted that merely on the basis of statement of co-accused, the petitioner



has been implicated. It has been stated in paragraph 3 of the application that petitioner has no criminal antecedent.

On the basis of what has been alleged in the First Information Report, it cannot be said that no offence under the provisions of Excise Act is made out against him. This application is rejected.

However, considering the quantity of illicit liquor, said to have been recovered and the manner in which the petitioner's name has surfaced, it is directed that if the petitioner surrenders before the Court below and applies for his regular bail, his application shall be considered and disposed of on the same day on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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