

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3869 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- SANOKHAR District- Bhagalpur

Govind Kumar @ Govind Mandal Son of Raju Mandal @ Raj Mandal
Resident of Village - Sachidanand Nagar Hawaii Adda Ward No.31, P.S.-
Tilkamanhi (Jagdishpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner apprehends his arrest in connection
with Sanokhar (Aamdanda) P.S. Case No. 95 of 2019 for the
offence registered under Sections 188, 290, 414 & 34 of the
Indian Penal Code and Sections 30(a) and 30(f) of the Bihar
Prohibition Excise Amendment Act, 2016.

The allegation is regarding recovery of 18 litres of
country made wine and 9 litres of foreign wine from a bag kept
on a motorcycle.

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
the name of the petitioner has transpired on account of the



confessional statement made by the co-accused person, namely, Sohit Kumar who was arrested from the spot. However, the petitioner has got no complicity in the matter inasmuch as neither the illicit liquor belongs to the petitioner nor the motorcycle belongs to the petitioner, as has been stated in paragraph no. 9 of the present petition. It is thus submitted that the provisions of the Bihar Prohibitions and Excise Act, 2016 are not attracted in the present case, hence there is no impediment in grant of anticipatory bail to the petitioner herein.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court is of the view that since the motorcycle does not belong to the petitioner, it cannot be said that the illicit liquor recovered from the motorcycle belongs to the petitioner, hence *prima facie* this Court is of the opinion that a bare perusal of the FIR does not make out any case under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the petitioner is concerned, for the purposes of consideration of the case of the petitioner for grant of anticipatory bail, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed



to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II-cum-Special Judge, Excise Act, Bhagalpur in connection with Sanokhar (Ammdanda) P.S. Case No. 95 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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