

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5961 of 2020

Arising Out of PS. Case No.-443 Year-2019 Thana- NAANPUR District- Sitamarhi

1. PUNAM DEVI W/o Santosh Rai Resident of Village- Chikwa Tola Kurhar, P.S.- Nanpur, Distt- Sitamarhi.
2. Ramdeo Rai S/o Late Gajadhar Ray Resident of Village- Chikwa Tola Kurhar, P.S.- Nanpur, Distt- Sitamarhi.
3. Santosh Rai S/o Ramdeo Rai Resident of Village- Chikwa Tola Kurhar, P.S.- Nanpur, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nanpur P.S. Case No. 443 of 2019, disclosing offence under Sections 30, 30(a), 38(i)(ii), 41 of Bihar Prohibition and Excise Act, 2016.

On a secret information, the police are said to have conducted a raid leading to recovery of illicit liquor from a four-wheeler (*Indica*).

It is the petitioner's case that there is no material disclosed in the First Information Report, which can be the basis



for implication of these petitioners, except that seizure was made from a vehicle which was found parked near the petitioner's house.

I find substance in submission made on behalf of the petitioners that the allegations made in the FIR do not, *per se*, constitute offence punishable under the provisions of the Bihar Prohibition and Excise Act, 2016. Except that the police had received secret information regarding involvement of these petitioners in treading illicit liquor, there is no specific allegation against these petitioners, inasmuch as, the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, which puts a bar on grant of anticipatory bail, shall not apply.

This application is accordingly allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount, each to the satisfaction of the learned A.D.J.-2nd cum Special Judge, Excise Act, Sitamarhi in Nanpur P.S. Case No. 443 of 2019, subject to the condition as 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.

(Chakradhari Sharan Singh, J)

Rajesh/-

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