

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9029 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- OBRA District- Aurangabad

VINOD SINGH @ VINOD YADAV Son of Ramjit Singh @ Ramjit Yadav
Resident of Village - Mahdeva, P.S.- Obra, Distt - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Adv.
Mr.Yugal Kishore. Adv.
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Obra P.S. Case No. 239 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 20 liters of illicit Mahua liquor from the field of one Mahendra Yadav.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and has got a clean antecedent. It is further submitted that since no recovery of illicit liquor has been made either from the conscious possession of the petitioner or from his field, the provisions of the Bihar Prohibition and Excise Act,



2016 are not attracted.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner coupled with the fact that no recovery of illicit Mahua liquor has been made from the conscious possession of the petitioner, this Court finds that *prima facie* the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted as far as consideration of the anticipatory bail to the petitioner, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum- Special Judge- (Excise), Aurangabad, in connection with Obra P.S. Case No. 239 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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