

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8735 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- BANIAPUR District- Saran

PANKAJ GUPTA Son of Mahesh Sah Resident of Village - Baniapur, P.S. -
Baniapur, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sumit Kumar.

For the Opposite Party : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Baniapur P.S. Case No. 03 of 2020 for the offence
punishable under Sections 37(C) and 30(A) of Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 400 litres of
illicit country made wine from a pickup van and when the driver
and conductor of the said pickup van were arrested, they had
disclosed that the petitioner was the person who had entrusted
them with the illicit liquor.

The learned counsel for the petitioner has
submitted that the petitioner is innocent and is having clean
antecedent. It is further submitted, by referring to paragraph 13



of the present petition that the pickup van in question does not belong to the petitioner, hence, the alleged recovery of the illicit liquor is not attributable to the petitioner herein. It is also submitted that since no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house, the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, this Court finds that prima-facie no case is made out, upon a bare perusal of the FIR, as against the petitioner herein, under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present petition is concerned, hence this Court deems it fit and proper to admit the petitioner 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 to the satisfaction of learned Court of 2nd Additional Sessions Judge-Cum-Special Judge Excise, Saran in connection with Baniapur P.S. Case No. 03 of 2020, subject to



the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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