

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8991 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- BASANTPUR District- Siwan

1. VIJAY SINGH @ VIJAY KUMAR SINGH S/o Parma Singh R/o village- Kanhauli, P.S.- Basantpur, District- Siwan
2. Jitendra Ray S/o Dhaneshwar Ray R/o village- Basantpur, P.S.- Basantpur, District- Siwan
3. Kartik Kumar S/O- Late Chandrika Sah R/o village- Basantpur, P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No. 11 of 2020, registered for the offence punishable under Sections 272, 273, 308, 379/34 of the Bihar Prohibition and Excise Act, 2016 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 216 liters of illicit liquor from a pickup van and the petitioners are stated to be the persons, who had fled away from the spot.

The learned counsel for the petitioners has submitted



that the petitioners has been falsely implicated in the present case and they are having a clean antecedent. It is further submitted by referring to paragraph no. 6 of the present petition that the pickup van in question does not belong to the petitioners herein, hence, no recovery has been made either from the conscious possession of the petitioner or from their vehicles, thus, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioners herein as far as the case of the petitioners for grant of anticipatory bail is concerned.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge cum Special Judge, Excise, Siwan in connection with Basantpur P.S. Case



No. 11 of 2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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