

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10787 of 2020

Arising Out of PS. Case No.-151 Year-2019 Thana- JAYNAGAR District- Madhubani

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SOHAN YADAV @ SOHAN KUMAR @ SOHAN KUMAR YADAV Son of
Bisheshwar Yadav Resident of Village - Chhaprahi, P.S.- Khajauli, Dist.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr. Ashok Kumar

Mr.Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jaynagar P.S. Case No. 151 of 2019 for the offence registered under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 90 litres of illicit Nepali country made liquor from the house of the co-accused person, namely, Indramani Singh.



The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case.

It is further submitted that it is apparent from the seizure list in question that the recovery of illicit liquor has been effected from the house of the co-accused person, namely, Indramani Singh and the petitioner has been roped in the present case falsely merely on suspicion, hence no offence is made out under the provisions of the Bihar Prohibition & Excise Act, 2016 (hereinafter referred to as 'the Act, 2016'), thus the bar of Section 76(2) of the Act, 2016 would not come into place in the present case and the case of the petitioner for grant of anticipatory bail can be entertained by this Court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the fact that no recovery of illicit liquor has been made from the conscious possession of the petitioner and taking into account the fact that the recovery of illicit liquor has been made from the house of the co-accused person, this Court finds that prima facie no offence is made out under the provisions of the Act, 2016, as far as consideration of the anticipatory bail



petition is concerned, hence this Court deems 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 Sessions Judge-2nd-cum-Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 151 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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