

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8675 of 2020**

Arising Out of PS. Case No.-2628 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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DIVYA PRAKASH CHAUDHARY @ DIVYA RAKESH CHAUDHARY
Son of Late Butan Chaudhary Resident of Village - Sakaddi, P.S.- Koilwar,
Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

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

This is an application for grant of anticipatory bail in
connection with Excise case no. 2628 of 2019 registered for the
offences punishable under Section 30(a) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 53.205 liters
of illicit liquor from an open field situated in front of the house of the
petitioner.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, he is having a clean antecedent and the
land from where illicit liquor has been recovered, does not belong to
the petitioner, hence provisions of 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 of the learned counsel for the petitioner and taking into account the fact that since no illicit liquor has been recovered from the house of the petitioner or his possession, it cannot be said that the provisions of Bihar Prohibition and Excise Act, 2016 are attracted in the present case, thus the bar of Section 76(2) of Bihar Prohibition and Excise Act, 2016 would not come in the way of the petitioner, as far as consideration of present anticipatory bail petition is concerned, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District Judge-IV-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise case no. 2628 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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