

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10945 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

KAMLESHWARI MANDAL Son of Late Unchas Mandal Resident of
Village - Mirachak, P.S.- Industrial Area, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Industrial P.S. Case No. 1 of 2020, registered for the offence punishable under Sections 30, 30(A) and 32 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 172.5 liters of illicit liquor from a tractor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that neither the illicit liquor nor the tractor belongs to the petitioner, hence, admittedly, the illicit liquor has been neither recovered from the conscious possession of the



petitioner nor from his vehicle nor from his house, 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 petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge (II)-Cum-Special Judge, Excise, Bhagalpur in connection with Industrial Area P.S. Case No. 1 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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