

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8988 of 2020

Arising Out of PS. Case No.-294 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

SANTOSH RAM Son of Shivismurat Bind Resident of Village - Shivpur, P.S.-
Chainpur, District - Kaimur at Bhabua.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 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 Chainpur P.S. Case No. 249 of 2019, registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of one liter of illicit country made liquor kept in a bisleri bottle from a motorcycle and it is alleged that upon seeing the police, the petitioner had fled away leaving the motorcycle at the place of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and he has been falsely implicated in the present case. It is further



submitted that the petitioner has categorically stated in paragraph no. 8 of the present petition that the motorcycle does not belong to the petitioner, hence, the fact remains that no recovery of illicit liquor has been made from the conscious possession of the petitioner or from his vehicle, 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, 3rd cum Special Judge (Excise Act), Kaimur at Bhabua in connection with Chainpur P.S. Case No. 294 of 2019, 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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