

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10493 of 2020

Arising Out of PS. Case No.-23 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Doman Sah @ Doman Shah, aged about 43 years, Male, Son of Kishun Shah
resident of village + P.O.- Ranga, P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-06-2020 Heard Mr. Dharendra Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned counsel

appearing for the State through video conferencing.

The petitioner apprehends his arrest in connection
with Case No. C-7-23 / 2013 registered for the offence
punishable under Section 47(a), 47 of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner as per the
prosecution report is that on 23.07.2013 Excise Officials on the
basis of secret information raided the departmental shop of the
petitioner and recovered 250 Kg of *Mahua* flower and 80 liters
of illicit country made *Mahua* liquor from the back side of his
departmental store.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case at the behest of his enemies. Learned counsel further submits that petitioner was not having knowledge about the present case. Learned counsel referring to paragraph no. 12 of this anticipatory bail application submits that petitioner had no knowledge about institution of the present case against him and when Police arrived in the year 2019, the petitioner came to know about the present case and immediately took steps for anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has been recovered from behind the shop of the petitioner and not from his departmental store, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge – II cum Special Judge Excise Banka / concerned court in connection with Case No. C-7-23 / 2013 , subject to the condition as laid down under Section 438 (2) of



the Code Of Criminal Procedure on the following condition:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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