

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11485 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- DIGHWARA District- Saran

BITAN RAI Son of Sri Uma Rai Resident of Village - Chatar Chapra, P.S.-
Dighwara, District – Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 19-06-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

This application for grant of anticipatory bail arises
out of Dighwara Police Station Case No. 14 of 2020, disclosing
offence under Sections 272/273 of the Indian Penal Code and
Sections 30 (a)/38/41 of the Bihar Prohibition and Excise Act,
2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First
Information Report, is that the police raided the under-
constructed house of the petitioner and recovered 350 litres of
illicit spirit.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged. He further submits that from perusal of the First Information Report and the seizure list, it would be evident that the illicit spirit has been recovered from the under-constructed house, in which the petitioner was not residing and the house was accessible to all and sundry. He, thus, submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit spirit has been recovered from the under-constructed house of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on 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 end Additional Sessions Judge -cum- Special Judge, Excise, Saran, in connection with Dighwara Police Station Case No. 14 of 2020, subject to the condition laid down under Section 438 (2) of the



Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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