

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14442 of 2020

Arising Out of PS. Case No.-157 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

1. VIJAY YADAV @ VIJAY KUMAR YADAV @ PRASHANT KUMAR Son of Late Vidya Yadav Resident of Village - Ghogharaha, P.S.- Mohammadpur, District- Gopalganj
2. Bullet Kumar @ Dhananjay Kumar Son of Late Lalan Rai Resident of Village - Ghogharaha, P.S.- Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Matkloob Rab, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mohammadpur P.S. Case No. 157 of 2019 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 332, 333, 225, 353, 427, 504 and 506 of the Indian Penal Code and Sections 45 and 52 of the Bihar Prohibition & Excise Act, 2016.

The case of the prosecution in brief is that the petitioners



along with other accused persons are stated to have obstructed the police party in discharge of their official work and are further alleged to have destroyed 35 litres of raw spirit.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and as far as the petitioner no. 2 is concerned, he is having a clean antecedent whereas the petitioner no. 1 is an accused in one other case but he is on bail in the said case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that no illicit liquor has been seized by the police either from the spot or from the possession of the petitioners, this Court is of the view that no prima facie case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence there is no impediment in grant of anticipatory bail to the petitioners herein. This Court further finds that a general and omnibus allegation has been levelled against several persons and there is no specific allegation of any sort of overt act as against the petitioners herein, hence I deem it fit and proper to admit the



petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Mohammadpur P.S. Case No. 157 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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