

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15976 of 2020**

Arising Out of PS. Case No.-677 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

SONU RAI Son of Ramjee Rai Resident of Village - Barmatpur, P.S.- Sadar,
Distt – Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kunwar Ajit Singh
For the Opposite Party/s : Mr.Upendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-09-2020 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.

Heard the learned counsel for the petitioner and Sri Upendra Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sadar PS case no. 677 of 2019 registered for the offences punishable under Sections 272, 273 of Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of small quantity of illicit foreign liquor from the hey-house of the petitioner and the co-accused person namely Vijay Rai.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and the petitioner was not having



any knowledge about the said illicit foreign liquor having been concealed in the hey-house.

The learned APP for the State has vehemently opposed the prayer for bail.

Having heard the learned counsel for the parties and having considered the materials on record, this Court finds that since there is a direct allegation of recovery of illicit liquor from the hey-house of the petitioner herein, the bar of Section 72 of Bihar Prohibition and Excise Act would operate, hence the present anticipatory bail petition is not maintainable and accordingly, the present petition stands dismissed. Nonetheless, this Court directs that in case, the petitioner surrenders before the learned court below within a period of four weeks from today, the learned court below shall take a sympathetic view, in view of the meager quantity of illicit foreign liquor recovered from the hey-house of the petitioner and would pass appropriate orders disposing of the petition of the petitioner for grant of bail, on the very same day.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

