

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17378 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Ajit Kumar, aged about 24 years, male, son of Ram Dayal Mahto, resident of village - Fafaut, ward no. 1, P.S. - Khodabandpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-07-2020 Heard Mr. Ram Sumiran Rai , learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned counsel appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Khodawandpur P.S. Case No. 263 of 2019 [G.R. No. 1126 of 2019] registered for the offence punishable under Section 120(B), 414, 272, 273 and 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First Information Report is that Police raided near the house of Manish Kumar and recovered a total quantity of 362.88 liters of illicit liquor from two motorcycles and from near the house of the said Manish Kumar.

Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged and petitioner has falsely been implicated in this case on the basis of the allegation that from the place of occurrence the petitioner along with other accused persons were seen fleeing away by the village Chaukidar. Learned counsel further submits that petitioner has got no criminal antecedent and the two motorcycles from which illicit liquor has been recovered do not belong to the petitioner and the same has been stated in paragraph no. 11 of this bail application. Learned counsel further submits that petitioner has got no criminal antecedent. Learned counsel also submits that illicit liquor has not been recovered from the conscious possession or the vehicle belonging to the petitioner and from perusal of the First Information Report and the seizure list no *prima facie* offence under the Excise Act is made out against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner, 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 Additional Sessions Judge – II -cum- Special Judge, Excise Act, Begusarai / concerned court in connection with Khodawandpur P.S. Case No. 263 of 2019 [G.R. No. 1126 of 2019] , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

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

(Anil Kumar Sinha, J)

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