

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20968 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- KATRA District- Muzaffarpur

RAVI SHANKAR KUMAR @ RAVI KUMAR, s/o Vijay Kumar @ Vijay Singh, Resident of Village - Dhanaur, P.S. - Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-07-2020 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 the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Katra PS case no. 28 of 2020 registered for the offences punishable under Sections 272, 273 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 138 liters of illicit liquor from the wheat field of one Vijay Kr. Singh who is stated to be the father of the petitioner herein.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that as far as the petitioner is concerned, no recovery of illicit liquor has been made from his conscious possession and the seizure list would show that the illicit liquor has been recovered from a pit situated in the field of the co-accused person namely Vijay Kr. Singh. It is thus submitted that the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter to be referred to as the “Act, 2016”) would not be attracted in the present case, thus the bar under Section 76(2) of the Act, 2016 shall not come in the way of this Court to consider the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the parties and taking into account the fact that the illicit liquor has been recovered from the field of the co-accused person namely Vijay Kumar Singh and no recovery of illicit liquor has been made from the conscious possession of the petitioner, apart from the fact that the petitioner is having a clean antecedent, this Court finds that prima facie no case is made out under the provisions of the Act, 2016, hence the bar of Section



76(2) of the Act, 2016 shall not be attracted in the present case. Thus, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Katra PS case no. 28 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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