

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20871 of 2020**

Arising Out of PS. Case No.-10 Year-2019 Thana- SIMRI District- Buxar

PAPPU YADAV S/o Ram Kumar Yadav Resident of Village-Chhotka  
Singhnpura, P.S.-Simri, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

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 Simari PS case no. 10 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 278 liters of illicit liquor from a Bolero vehicle.

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 by referring to paragraph no. 10 of the present petition that the petitioner is neither the owner nor the driver of the vehicle in question and no recovery has been made from the conscious possession of the petitioner, as far as illicit liquor is concerned. It is further submitted that a bare perusal of the FIR would show that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the “Act 2016”), hence the bar under Section 76(2) of the Act, 2016 shall not be attracted in the present case and this Court is fully competent to consider the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that the vehicle from which the illicit liquor has been recovered neither belongs to the petitioner herein nor he is the driver of the said vehicle, 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 as far as the case of the petitioner for grant of anticipatory bail is concerned, hence the bar under Section 76(2) of the Act, 2016 shall not be attracted. 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 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 A.D.J.-II-cum-Special Judge, Excise Act, Buxar in connection with Simri PS case no. 10 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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