

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23899 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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GAURAV KUMAR Son of Deo Bhushan Ray Resident of Village- Simha,
P.S.- Chhaurahi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2020 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 petitioner and Sri Ram Sumiran Rai, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Excise Case No. 44C2 of 2020 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.



The case of the prosecution is that upon receipt of secret information, the informant along with the police force had started conducting checking of vehicles and during the course thereof, one pickup vehicle was apprehended and 1107 liters of illicit liquor was recovered as also the driver of the vehicle, namely, Girish Kumar, was arrested and the FIR was registered against him as also against the owner of the vehicle, who is stated to be the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is submitted by the learned counsel for the petitioner that the petitioner has got no concern with the said vehicle in question inasmuch as he had sold the said vehicle much before the alleged occurrence.

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

Having regard to the facts and circumstances of the case and considering the submissions made



by the learned counsel for the petitioner, this Court finds that a prima facie case is definitely made out as against the petitioner herein for the offences alleged, hence, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall come into play, thus, this Court finds that the present petition is not maintainable, accordingly, the same stands dismissed. However, liberty is granted to the petitioner to surrender before the learned court below and pray for grant of regular bail and in case, the petitioner surrenders before the learned court of Additional Sessions Judge-2nd-cum-Special Judge, Excise Act, Begusarai in connection with Excise Case No. 44C2 of 2020 within a period of four weeks from today, the learned court below shall consider and dispose of the case of the petitioner for grant of bail on the very same day.

(Mohit Kumar Shah, J)

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