

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23920 of 2020

Arising Out of PS. Case No.-83 Year-2020 Thana- KHAIRA District- Saran

GAURI SINGH @ GAURI SHANKAR SINGH Son of Late Dwarika Singh
Resident of Village- Chitrauli, P/S- Khaira, District- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Permanand Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-10-2020

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.

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

This is an application for grant of anticipatory bail in connection with Khaira PS case no. 83 of 2020 registered for the offences punishable under Sections 30, 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having got secret information that the petitioner along with the co-accused persons were selling liquor in the poultry farm towards the northern side, whereafter the police had reached at the alleged place of occurrence, however the accused persons fled away and



upon search, 15 liters of illicit liquor was recovered from a place situated on the northern side of the poultry farm 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 neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his poultry farm but from a place situated towards the northern side of the poultry farm, hence no offence under the provisions of the Bihar Prohibition and Excise Act, 2016 is made out, thus there is no impediment in grant of anticipatory bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the illicit liquor has been recovered from a place situated outside i.e. towards the northern side of the poultry farm of the petitioner herein, this Court finds that *prima facie*, no case is made out against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar of Section 76(2) of the said Act, 2016 shall not come in the way of this Court for



granting anticipatory bail to the petitioner herein, hence 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 2nd Additional Sessions Judge-cum-Special Judge(Excise), Saran at Chapra in connection with Khaira PS case no. 83 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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