

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23919 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- ISUAPUR District- Saran

RAVINDRA RAI @ RAVINDRA KUMAR RAI Son of Chandrashekhar Ray
Resident of Village- Usari Kala Korar, P/S- Isuapur, District- Saran at
Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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 Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Isuapur P.S. Case No. 35 /20 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise



Act.

The allegation is regarding recovery of 116.280 liters of illicit English wine from the bushes situated behind the house of the petitioner herein, after a raid was conducted by the police party.

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 further submitted that admittedly, neither the illicit liquor has been recovered from the house of the petitioner nor from his conscious possession, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 shall not apply in the present case, thus, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein.

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, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, it is apparent that the illicit liquor has been seized from the bushes situated at a place, which does not belong to the petitioner herein, hence, prima facie no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, thus, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not come in the way of this Court for granting anticipatory bail to the petitioner herein. Consequently, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees 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 Isuapur P.S.Case No. 35/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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