

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26268 of 2020

Arising Out of PS. Case No.-188 Year-2018 Thana- BALIYA District- Begusarai

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BIPIN KUMAR S/o Chano Singh Resident of Village-Khamar, P.S.-Muffasil,
District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhusha Poddar

For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-10-2020

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 Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Balia PS case no. 188 of 2018 registered for the offences punishable under Section 30(a), 32, 41(1) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of illicit foreign liquor from a pick-up van and it is alleged that the illicit liquor belongs to Bhola Mahato and other unknown persons.

The learned counsel for the petitioner has



submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner is accused in one other case but he is on bail in the said case. It is further submitted that neither the illicit liquor nor the vehicle from which the same has been recovered, belongs to the petitioner and his name has been falsely implicated, subsequently, although he is not an F.I.R. named accused person, hence it is submitted that no offence under the provisions of Bihar Prohibition and Excise Act, 2016 is made out.

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 neither the vehicle nor the illicit liquor belongs to the petitioner and moreover, the petitioner has not been named in the FIR, this Court *prima facie* finds that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the petitioner is concerned, hence the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail. Thus, this Court deems it fit and appropriate to direct for release of the petitioner on 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 Additional District Judge II-cum-Special Judge, Excise, Begusarai in connection with Balia PS case no. 188 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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