

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26321 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- BIHTA District- Patna

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ROHIT YADAV S/o Akhilesh Roy Resident of Village-Maudhi, P.S.-Bihta,
District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-12-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

This application, for grant of anticipatory bail, arises
out of Bihta Police Station Case No. 41 of 2020, disclosing
offences under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information
Report, is that in course of interrogation of the arrested accused
persons, namely, Ramesh Kumar and Pintu Kumar, in
connection with Bihta Police Station Case Nos. 38 and 39 of
2020, they disclosed that they have brought the consignment of
liquor with the help of the petitioner and other persons and have
concealed it under the sand near the Hanuman Temple. The



Police, thereafter, proceeded towards the place of occurrence and recovered 843.54 litres of illicit liquor from the place of occurrence.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the statement made by the accused persons arrested in connection with Bihta Police Station Case Nos. 38 and 39 of 2020, in which the petitioner is not an accused. He further submits that no incriminating material has been recovered from the conscious possession or the premises belonging to the petitioner and from perusal of the First Information Report, no *prima facie* case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no incriminating material has been recovered either from the possession of the petitioner or the premises belonging to him, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks



from today, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Bihta Police Station Case No. 41 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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