

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26351 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- DAWATH District- Rohtas

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RANJIT PRASAD S/o Rajapati Prasad R/o Ward No. 11, Maliyabag Colony,
P.S.- Dawath, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2020 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 Dawath Police Station Case No. 190 of 2019, disclosing
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation, as per the First Information Report, is
that the police recovered 77.76 litres of illicit liquor from one
scorpio vehicle and from outside the poultry farm of co-accused
Rajesh Singh and also seized two motorcycles standing near the
poultry farm and the petitioner is the owner of one of the
motorcycles.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has been implicated in this case merely on the basis of the fact that his motorcycle was parked near the poultry farm of the co-accused Rajesh Singh, from where illicit liquor has been recovered. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered either from the conscious possession of the petitioner or the premises or vehicle belonging to him. He further submits that co-accused Rajesh Singh, who is the owner of the poultry farm, has been granted anticipatory bail by this court, vide order, dated 12.06.2020, passed in Criminal Misc. No. 10188 of 2020. He further submits that from perusal of the First Information Report and the seizure list, 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 similarly situated co-accused person has been granted anticipatory bail by this Court, 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 a period of six



weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Rohtas, at Sasaram, in connection with Dawath Police Station Case No. 190 of 2019, 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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