

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23881 of 2020**

Arising Out of PS. Case No.-192 Year-2020 Thana- NAWADA District- Nawada

SONU KHATIK Son of Sahdeo Khatik @ Sahdeo Prasad @ Sahdeo Prasad
Bihari Resident of Village - Sonarpatti, P.S. - Nagar Thana (Nawada), District
- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 06-10-2020 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 Sri Kumar Uday Pratap, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Nagar Thana (Nawada) P.S. Case No. 192 of 2020 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.



The allegation is regarding the house of the co-accused person, namely, Gopal Prasad, having been raided by the police, whereupon 75.70 liters of illicit foreign wine and 2.70 liters of illicit country made wine were recovered and upon interrogation, he disclosed that the said illicit liquor was handed over to him by the petitioner herein.

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 neither the illicit liquor has been recovered from the house of the petitioner nor from his conscious possession, hence, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, thus, there is no impediment in 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 fact that neither the illicit liquor has been recovered from the house of the petitioner nor from his conscious possession and admittedly, the illicit liquor has been recovered from the house of the co-accused person, I find that prima facie, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment in granting anticipatory bail to the petitioner herein. Consequently, considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, 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 Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with Nagar Thana (Nawada) P.S.Case No. 192 of 2020, 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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