

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27059 of 2020

Arising Out of PS. Case No.-313 Year-2019 Thana- RAJAOLI District- Nawada

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JASHU RANA @ YASWANT KUMAR RANA Son of Sita Ram Rana
Resident of 84 Adars Mohalla - Giridih Road Kodarma, P.S.- Kodarma,
District - Kodarma (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-11-2020 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 Nityanand Tiwary, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rajauli PS case no. 313 of 2019 registered for the offences punishable under Section 30(a), 41 of Bihar prohibition and Excise Act, 2016.

The allegation is regarding the police having apprehended one Safari vehicle and on search, illicit countrymade wine and English Whisky was recovered.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted by referring to paragraph no. 12 of the present petition that neither the seized vehicle belongs to the petitioner nor the said vehicle was being driven by the petitioner.

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 the petitioner is neither the owner nor the driver of the vehicle in question from which illicit liquor has been recovered and moreover, no recovery of illicit liquor has been made from the conscious possession of the petitioner or from his house, this Court finds 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 Act, 2016 shall not be an impediment for the purpose of grant of anticipatory bail to the petitioner herein, hence I deem it fit and appropriate to admit the petitioner to the privilege of 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 Sessions Judge II-cum-Special Judge, Nawada in connection with Rajauli PS case no. 313 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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