

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23880 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- DANDARI District- Begusarai

1. BHULLA SINGH @ PRINCE KUMAR @ PRINCE SINGH @ PRINCE
Son of Late Sunil singh @ Sunil Singh Resident of Village - Katarmala, P.S.
- Dandari, District - Begusarai.
2. Rohit Singh @ Rohit Kumar Son of Late Sunil singh @ Sunil Singh
Resident of Village - Katarmala, P.S. - Dandari, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-11-2020 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 petitioners and
Ms. Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dandari PS case no. 32 of 2020 registered for the offences punishable under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having arrested the co-accused person namely Bechan Tanti and upon search, 8.9 liters of illicit liquor was recovered. It is further



alleged that the rest of the co-accused persons had disclosed that the persons who had fled away from the spot, are the petitioners herein.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that neither the petitioners have been arrested from the spot nor any illicit liquor has been recovered from the possession of the petitioners, hence *prima facie*, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that the petitioners are having clean antecedent and moreover, no illicit liquor has been recovered from the conscious possession of the petitioners, this Court is of the view that *prima facie*, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of bail petition of the petitioners is concerned, hence the bar under Section 76(2) of the Act, 2016 would not be an impediment in grant of anticipatory bail to the petitioners herein, hence I deem it fit and appropriate to admit the



petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions judge-II-cum-Special Judge, Bihar Prohibition and Excise Act, Begusarai in connection with Dandari PS case no. 32 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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