

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22677 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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DEEPAK KUMAR BHANDARI @ DEEPAK KUMAR Son of Vinod
Bhandari Resident of Village and Post Office- Satghara, Malitola, P.S.-
Rahika, Distt- Madhubani (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baua Jha

For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-09-2020 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

Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Government Official Complaint case no. 30

of 2020 registered for the offences punishable under Section

30(A) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 9.465

liters of illicit liquor from beneath the staircase situated in the

courtyard of the house of the petitioner.

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 that the illicit liquor has not been recovered from the conscious possession of the petitioner, hence the petitioner should be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State 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 the recovery of illicit liquor has been made from beneath the staircase situated in the courtyard of the house of the petitioner, a *prima facie* case is definitely made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar of Section 76(2) of the said Act, 2016 would come into force, as such the present anticipatory bail petition is not maintainable, thus the same is dismissed. However, considering the meager quantity of illicit liquor recovered from the aforesaid place in question, though not from the conscious possession of the petitioner, I deem it fit and appropriate to grant liberty to the petitioner to surrender before the learned court of Special Judge,



Excise, Madhubani in connection with Government Official Complaint case no. 30 of 2020, within a period of four weeks from today, whereupon the learned court below shall consider the case of the petitioner for grant of bail on the very same day and pass appropriate orders taking into account the fact that meager quantity of illicit liquor has been recovered and that too not from the conscious possession of the petitioner.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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