

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27063 of 2020

Arising Out of PS. Case No.-373 Year-2019 Thana- CHANPATIA District- West Champaran

BHUSHAN PASWAN S/o Nandu Paswan Resident of Village-Semra Parsa,
Police Station-Chanpatiya (Sirisiya O.P), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 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 petitioner and Sri Parmeshwar Mehta, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Chanpatiya (Sirisiya O.P.) PS case no. 373 of 2019 registered for the offences punishable under Section 414 of Indian Penal Code and 30(a), 30(b) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 05 liters of illicit liquor from the hut situated near the canal, stated to be belonging to the petitioner herein.

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. 8 of the present petition that neither the hut in question belongs to the petitioner nor the illicit liquor recovered by the police, belongs to the petitioner, hence no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

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 of the learned counsel for the parties and taking into account the fact that the hut situated near the canal is stated to be not belonging to the petitioner herein, this Court finds that *prima facie*, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the present bail petition is concerned, hence the bar under Section 76(2) of the Act, 2016 shall not be an impediment for grant of bail to the petitioner herein, thus I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, more so since he is having a clean antecedent. 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 Special Judge, Excise, Bettiah, West Champaran in connection with Chanapatiya (Sirisiya O.P.) PS case no. 373 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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