

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27066 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- GADHPURA District- Begusarai

AWADESH RAI @ AWADHESH KUMAR RAI @ AWADHESH KUMAR
Son of Hare Krishna Ray Resident of - Ward No. 17, Musepur, Malipur, P.S.-
Gadhpura, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Prem Kr. Jha

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 Prem Kr. Jha, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Gadhpura PS case no. 26 of 2020 registered for the offences punishable under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 61 liters of illicit liquor from a poultry farm 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. 7 and the documents annexed with the present petition that the poultry farm from where illicit liquor has been recovered, is situated over *Khesra* nos. 351 and 523 which is owned and possessed by one Rajdeep Rai and he has let out the said land to one Sagar Das for construction of the poultry farm in question, hence it has been wrongly alleged that the poultry farm in question belongs to the petitioner herein, thus it is submitted that *prima facie*, no case 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 poultry farm from where the illicit liquor has been recovered 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 Additional Sessions Judge II-cum-Special Judge, Excise, Begusarai in connection with Gadhpura PS case no. 26 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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