

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27050 of 2020

Arising Out of PS. Case No.-78 Year-2020 Thana- BAKHARI District- Begusarai

SUNIL MATHO S/o Umesh Mahto Resident of Ward no.08, Village-Pirnagar,
Gamharia, P.S.-Naukothi, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad

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 Nand Kishore Prasad, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bakhri PS case no. 78 of 2020 registered for the offences punishable under Section 30(A) of Bihar prohibition and Excise Act.

The allegation is regarding recovery of 981 liters of illicit liquor from a vehicle standing in the premises of the Madarsa.

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 of the present petition that the petitioner is neither the owner nor the driver of the vehicle in question. It is further submitted that the petitioner has got no connection with the illicit liquor recovered by the police and moreover, even the seizure stands vitiated, inasmuch as the seizure list has been signed by two police officials as witnesses to the alleged seizure and no independent villager has signed the said seizure list.

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 neither the petitioner is the owner nor the driver of the vehicle in question and moreover, no illicit liquor has been recovered either 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 Additional Sessions Judge II-cum-Special judge, Excise Act, Begusarai in connection with Bakhri PS case no. 78 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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