

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22675 of 2020

Arising Out of PS. Case No.-127 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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PRABHU RAM Son of Ram Janm Ram Resident of Village- Samhauta, P.S.-
Kopa, Distt- Saran Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-09-2020 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, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Arur Rehman, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Excise P.S. Case No. 127 of 2015 for the offence registered under Section 47 of the Excise Act.

The allegation is regarding recovery of 22 litres of illicit country made wine from a Gumti (kiosk) stated to be belonging to the petitioner herein.

The learned counsel for the petitioner has submitted that



the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraph no. 10 of the present petition, has submitted that the said kiosk from where illicit liquor has been recovered has got no concern with the petitioner. It is further submitted that since neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the said kiosk belongs to the petitioner, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the petitioner may be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record from which it appears that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the kiosk, according to the petitioner, belongs to him, hence I find that no prima facie case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the case of the petitioner for grant of anticipatory bail is concerned, hence the bar of Section 76(2) of the Act, 2016 shall not come in the way



of this Court to grant anticipatory bail to the petitioner herein. Consequently, this Court finds the present case to be a fit case for admitting the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II-cum-Special Judge, Excise, Saran in connection with Excise P.S. Case No. 127 of 2015 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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