

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23975 of 2020

Arising Out of PS. Case No.-489 Year-2019 Thana- HILSA District- Nalanda

ANUJ PRASAD @ ANUJ KUMAR Son of Late Yogendra Prasad Resident of
Village - Dhibrapar P.S. - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Smt. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-10-2020 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 Smt. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Hilsa P.S. Case No. 489 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation is regarding recovery of 153 litres of country made wine from a bush besides the road.

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 no illicit liquor has been recovered from the conscious possession of the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case qua the petitioner herein. It is further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 5.2.2020, 13.2.2020 and 28.2.2020, passed in Cr. Misc. No. 9173 of 2020, Cr. Misc. No. 10985 of 2020 and Cr. Misc. No. 11514 of 2020, respectively.

The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate benches of this Court, apart from the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before



the learned court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III cum Special Judge, Excise, Nalanda at Biharsharif in connection with Hilsa Case No. 489 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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