

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23062 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Prabhu Rai Son of Chandeshwar Rai Resident of Sultanpur Gosaintola, P.S.-
Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Narendra Kumar Singh (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-09-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Special Case No. 4444 of 2019, arising out of Danapur Police
Station Case No. 353 of 2019, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation, as per the First Information Report, is
that the police on the basis of secret information that the
petitioner, along with one another person, was indulged in the
sale of illicit liquor, proceeded towards the place of occurrence
and recovered 75 litres of illicit country-made liquor and 12.375



litres of foreign-made illicit liquor near the bank of river at Katchery ghat.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and on the basis of secret information, he has been implicated in this case. He further submits that from perusal of the First Information Report and the seizure list, it would be evident that the illicit liquor has been recovered from near the bank of river, which is an open space accessible to all and sundry. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner has got no criminal antecedent of similar nature.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner is in custody since 10.05.2020, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in



connection with Special Case No. 4444 of 2019, arising out of
Danapur Police Station Case No. 353 of 2019.

It is made clear that at the time of furnishing bail
bonds, all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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