

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27386 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- SIKARHATTA District- Bhojpur

MUKESH KUMAR S/o Birendra Singh @ Jitendra Resident of Village-
Chakiya, P.S.-Sikarahata, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2020

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 Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sikarahata PS case no. 17 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding the police having received secret information that the petitioner and one other accused person had kept illicit liquor in the Orchard, whereafter the informant and his police team had conducted a raid at the alleged place of occurrence and recovered 30 liters of illicit



countrymade liquor.

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 petitioner and infact, the place from where illicit liquor has been recovered also does not belong to the petitioner herein, hence no offence is made out under the provisions of Bihar Prohibition and Excise Act, 2016.

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 fact that neither the illicit liquor has been recovered from the petitioner nor the place from where it has been recovered belongs to the petitioner, *prima facie* no case is made out 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 to grant anticipatory bail to the petitioner herein, thus 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 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara in connection with Sikarahata PS case no. 17 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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