

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23884 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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RAJA KUMAR @ RAJAN KUMAR Son of Jitendra Singh Resident of
Village - Burhi Mata Asthan, Madhurapur, Ward No. 14, P.S. - Teghra,
District Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2020 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 Sri Kumar Uday Pratap, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Excise Complaint Case No. 81C-2 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The allegation is regarding recovery of 414.72 liters of illicit liquor from near the boring situated in village Madhurapur and the petitioner is alleged to have fled from the said place of occurrence upon having seen the raiding party.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. Lastly, it is submitted that neither the place from where the illicit liquor has been recovered belongs to the petitioner nor the petitioner has been arrested from the spot, hence, no offence under the provisions of the Bihar Prohibition and Excise Act, 2016 is made out, thus, there is no impediment in grant of anticipatory bail to the petitioner herein.

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

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 illicit liquor has been recovered from the house of the petitioner nor from his conscious possession, this Court is of the view that prima facie, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, hence, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for grant of anticipatory to the petitioner herein. Consequently, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge II Begusarai cum Special Judge,
Bihar Prohibition and Excise Act 2016, Begusarai in
connection with Excise Complaint Case No. 81C-2
of 2020, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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