

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23908 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- AMBA District- Aurangabad

PARASH RAM @ PARAS RAM Son of Khaderan Ram Resident of Village-
Saradihi, P.S.- Barvadih, District- Latehar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-11-2020 The learned counsel for the parties were heard yesterday at length and the instant case has been listed today “For Orders”.

The petitioner apprehends his arrest in connection with Amba P.S. Case No. 09 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police force is stated to have intercepted a vehicle on the alleged date and time of occurrence and 4950 bottles, each containing 300 ML of illicit liquor, were recovered. The petitioner is stated to be the owner of the vehicle.

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.



The learned counsel for the petitioner has further submitted by referring to the copy of the agreement dated 30.08.2019, executed on a stamp paper, annexed as Annexure-2 to the present petition, that the petitioner had sold the said bolero vehicle in question to one Sanjay Prasad, resident of District-Palamau on 30.08.2019 itself, hence the petitioner cannot be saddled with the liability of the illicit liquor seized from the said bolero vehicle and if anyone is having any complicity in the matter, it might be the said Sanjay Prasad.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having considered the submissions of the learned counsel for the parties and having gone through the materials on record as also the case diary in question, this Court finds that benefit of doubt can be given to the petitioner herein by taking into account the agreement dated 30.08.2019 entered into between the petitioner and one Sanjay Prasad, by which the bolero vehicle in question has been sold by the petitioner, hence, the liability of the illicit liquor, seized by the police, would be that of the said Sanjay Prasad, who is stated to have purchased the bolero vehicle in question from the petitioner, prior to the



alleged date of occurrence i.e. prior to 07.02.2020, hence, as far as the petitioner is concerned, *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 Bihar Prohibition and Excise Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner herein, thus, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

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, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII cum Special Judge (Excise), Aurangabad (Bihar) in connection with Amba P.S. Case No. 09 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

In order to enable the police to investigate the veracity of the aforesaid agreement dated 30.08.2019 as also in order to enable it to complete investigation of the present case, I deem it fit and proper to direct the petitioner to mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on



each and every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of anticipatory bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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