

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24368 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- OBRA District- Aurangabad

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MUKESH VISHWAKARMA Son of Late Gupteshwar Vishwakarma
Resident of Village - Kara P.S. - Obra, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Murlidhar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Vijay Shankar Shrivastava, learned counsel

for the petitioner and Mr. Murlidhar, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Obra
P.S. Case No. 140 of 2020 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner as per the First
Information Report is that Police got a secret information that
the petitioner along with other accused persons were planning to
sale liquor from his land, proceeded towards the place of
occurrence and upon seeking the police party three persons tried
to flee away however, Police apprehended two of them and one
person managed to escape i.e. the petitioner. Upon search Police



recovered a total quantity of 267.6 liters of illicit liquor from the pick -up van in question. The name of the petitioner has been disclosed by the arrested accused persons.

Learned counsel for the petitioner submits that petitioner has got no criminal antecedent and he has falsely been implicated in this case on the statement made by arrested accused persons. Learned counsel for the petitioner referring to paragraph no. 7 of this petition submits that the land in question where the pick -up van was standing and the pick -up van also do not belong to the petitioner. Learned counsel thus submits that no illicit liquor has been recovered from the conscious possession or from the premises belonging to the petitioner and from perusal of the First Information Report and the seizure list no prima facie case under the Excise Act is made out against the petitioner.

Having heard learned counsel for the parties, taking into consideration the materials available on record, the fact that no illicit liquor has been recovered from the land of the petitioner or the vehicle belonging to him, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above



named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -VII cum Special Judge (Excise) Aurangabad / court concerned in connection with Obra P.S. Case No. 140 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

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)

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