

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23911 of 2020

Arising Out of PS. Case No.-27 Year-2020 Thana- GORAU District- Vaishali

BED PRAKASH SINGH @ BED PRAKASH S/o Birchandra Singh Resident
of Village- Maivera, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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 Ajay Kumar Jha, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Goraul P.S. Case No. 27 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.



The allegation is regarding recovery of various quantity of illicit foreign liquor from the shop and house of the co-accused person, namely, Bablu Kumar and the petitioner is stated to be the person, who had fled from the sweet shop in question upon seeing the raiding party.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that neither the shop in question nor the house in question from whether illicit foreign liquor has been recovered belongs to the petitioner and admittedly, the same belongs to the co-accused person, namely, Bablu Kumar, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 shall not be applicable in the present case, as such, 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 the recovery of illicit liquor has been made from the shop / house of the co-accused person, namely, Bablu Kumar, this Court finds that no prima facie case is made out as against the petitioner herein, as far as consideration of the present bail petition is concerned, hence, the bar under Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 shall not come in the way of this Court to grant anticipatory bail to the petitioner herein, thus, 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 cum Excise Court, Vaishali at Hajipur in connection with Goraul P.S.Case No. 27 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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