

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25006 of 2020

Arising Out of PS. Case No.-216 Year-2019 Thana- MAJORGANJ District- Sitamarhi

1. VIKASH KUMAR SAH S/o Hari Sah @ Hari Shankar Sah Resident of Village-Belwa Parari, P.S.-Majorganj, District-Sitamarhi.
2. Vinay Patel @ Ram Vinay Patel @ Ram Vinay Ray S/o Baidhanath Patel @ Baidhanath Ray Resident of Village-Hanuman Nagar, P.S.-Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Narayan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard Mr. Santosh Kumar, learned counsel for the petitioners and Mr. Pradeep Narayan Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Majorganj P.S. Case No. 216 of 2019 registered for the offence punishable under Section 414 of the Indian Penal Code, 1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is that the Police intercepted one Tata Sumo vehicle and recovered a total quantity of 990 litres of Soufi *Nepali* liquor from the said vehicle.



Learned counsel for the petitioners submits that name of the petitioners has been disclosed by the arrested co-accused person as the liner. Learned counsel further submits that the petitioners have falsely been implicated in this case on the basis of disclosure made by the arrested co-accused person. Learned counsel also submits that the petitioners have got no criminal antecedents and referring to paragraph-12 of this petition submits that the petitioners are not the owner of the vehicle in question. Learned counsel next submits that no illicit liquor has been recovered either from conscious possession of the petitioners or the vehicle belonging to them. Accordingly, submission is that upon perusal of the First Information Report and seizure list, no *prima facie* offence under the Excise Act is made out against the petitioners.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that the petitioners have got no criminal antecedents and they are not the owner of the vehicle in question, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J-II cum Special Judge, Excise Act, Sitamarhi, in connection with Majorganj P.S. Case No. 216 of 2019, 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 bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

