

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28839 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- THAWE District- Gopalganj

1. BASHIST SINGH Son of Gorakh Singh Resident of Village- Dhatiwna, P.S.- Thawe, District- Gopalganj.
2. Ranjan Singh Son of Ramesh Singh Resident of Village- Dhatiwna, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjana

For the Opposite Party/s : Mr.Anil Pd. Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2020 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.

Heard the learned counsel for the petitioners and Sri Anil Pd. Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Thawe PS case no. 18 of 2020 registered for the offences punishable under Section 30(A) of Bihar Prohibition and Excise Act, 2016/18.

The allegation is regarding recovery of 9.9 liters of illicit liquor from the partly constructed house of the petitioner no. 1.



The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is staying far away from the partly constructed inhabitable house whereas the petitioner no. 2 is neither the owner of the said house in question nor has got anything to do with the illicit liquor recovered by the police, hence the provisions of the Bihar Prohibition and Excise Act are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioners are having clean antecedent and illicit liquor has been recovered from the house under construction, I find that *prima facie* no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, thus the bar of Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioners herein, as such, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed



petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Gopalganj in connection with Thawe PS case no. 18 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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