

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28749 of 2020

Arising Out of PS. Case No.-167 Year-2018 Thana- BAIRIYA District- West Champaran

1. RAJKUMAR @ RAJKUMAR GUPTA S/o Bhukhan Sah R/o Iamram Chowk, Bettiah, P.S.- Bettiah (Town), District- West Champaran.
2. Alok Kumar S/o Rajkishore Prasad R/o Iamram Chowk, Bettiah, P.S.- Bettiah (Town), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-12-2020 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, requiring social distancing.

Heard the learned counsel for the petitioners and Ms. Anita Kumari Singh, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Bairiya P.S.Case No. 167 of 2018 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and



Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 62.10 liters of illicit liquor from a maruti car and the name of the petitioners is stated to have transpired in the present case upon the confessional statement made by the co-accused person, namely, Vikky Kumar.

The learned counsel for petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners, by referring to paragraph no. 6 of the present petition, has submitted that neither the seized vehicle belongs to the petitioners nor the petitioners have got anything to do with the illicit liquor seized by the police.

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 petitioners and taking into account the fact that no recovery of illicit liquor has been made from the petitioners and moreover, they are not the owner of the car in question as has been stated in paragraph no. 6 of the present petition, this Court finds that 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 the purposes of grant of anticipatory bail to the petitioners herein, thus, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special



Judge Excise, Bettiah, West Champaran in connection with Bairiya P.S.Case No. 167 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

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

