

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28788 of 2020

Arising Out of PS. Case No.-373 Year-2020 Thana- HAJIPUR District- Vaishali

SUBASH SINGH @ SUBASH CHANDRA SINGH S/o Jhaman Singh @
Ram Iswar Singh Resident of Mohalla- Minapur, P.S.- Hajipur Town, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-12-2020 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 petitioner and Shri Jagdhar Prasad, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Hajipur P.S. Case No. 373 of 2020, for the offence punishable under Sections 30,30(a), 32(c) and 38 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 92.700 litres of illicit liquor from the partly-constructed house of the petitioner.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraphs No. 12 and 15 of the present petition, has submitted that on account of lock-down, during the relevant time, family members as also the petitioner herein were not visiting their under construction house and moreover, the petitioner was at Delhi since 16.03.2020 and had returned back to his native village by four wheeler only on 22.06.2020, hence, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the house in question from where the illicit liquor has been recovered, is under construction house of the petitioner and the petitioner is stated to be at Delhi during the relevant time, I find 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 petitioner herein, thus, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Excise Court, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 373 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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