

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28822 of 2020**

Arising Out of PS. Case No.-32 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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SUKESH KUMAR S/o Ashok Mahto R/o Shanichra Asthan, P.S.- Ratanpur
O.P. (Town), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh
For the Opposite Party/s : Mr. Mrityunjay Kr. Gautam

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**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 petitioner and Sri Mrityunjay Kr. Gautam, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with complaint case no. 32 C2 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of substantial quantity of illicit liquor from the house of the co-accused person namely Utpal Kumar.

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 has further submitted that neither the illicit liquor has been recovered from the house of the petitioner nor from his conscious possession, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

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 neither the illicit liquor has not been recovered from the house of the petitioner nor from his conscious possession, 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 petitioner herein, as such, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Court, Begusarai in connection with Complaint case no. 32 C2/2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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