

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28761 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- GORIAKOTHI District- Siwan

SANJAY YADAV Son of Beera Yadav Resident of Village- Saidpura, P.S.-
Goreakothi, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Shri Md. Imtiquan Mohammad, 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 Md. Imtiyan Mohammad, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Goreakothi P.S. Case No. 44 of 2020 for the offence punishable under Section 30(a)/36 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of illicit liquor from the court-yard of the 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 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 a bare perusal of the FIR would show that the illicit liquor has been recovered from the court-yard of the house of the petitioner, hidden beneath the ground, I find that a prima facie case is definitely made out against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, considering the bar under Section 76(2) of the said Act, 2016, the present anticipatory bail petition is not maintainable, thus, the same is dismissed, however, in case the petitioner surrenders before the learned court below within a period of four weeks from today, the learned court below shall consider the prayer of the petitioner for grant of regular bail on merits and dispose of the same on the same very day.

(Mohit Kumar Shah, J)

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