

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28772 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- BIDUPUR District- Vaishali

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KAPIL SINGH @ KAPILDEV SINGH S/o Late Ram Prasad Singh R/o
Village- Kanchanpur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rina Sinha

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

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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 Bidupur P.S. Case No. 115 of 2019, for the offence punishable under Section 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a banana orchard situated in village- Kanchanpur as also from a pick-up van.

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 paragraph-9 of the present petition, has submitted that neither the banana orchard nor the pickup van, from where the illicit liquor has been recovered, belongs to the petitioner, 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 neither the banana orchard nor the pickup van in question, from where the illicit liquor has been recovered, belongs to the petitioner, 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 the learned Additional Sessions Judge-II cum Excise Court, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 115 of 2019, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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