

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28774 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

=====

MADHUR KUMAR S/o Pappu Kunwar Resident of Village-Bakhadda, P.S.-
Matihani, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar
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 Matihani P.S. Case No. 16 of 2019, for the offence punishable under Section 120B of the Indian Penal Code and Sections 30(a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and a Bolero vehicle, after the same was intercepted by the police and as far as the



petitioner is concerned, his name is stated to have been disclosed by the co-accused person namely Bittu Kumar in his confessional statement.

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-11 of the present petition, has submitted that neither the truck nor the Bolero vehicle belongs to the petitioner herein and moreover, the petitioner is not an FIR named accused person and his name has transpired in the present case merely on suspicion on the basis of the confessional statement of the co-accused person namely Bittu Kumar, 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 truck and the Bolero vehicle, from where the illicit liquor has



been recovered, do not belong to the petitioner herein and the name of the petitioner has been roped in the present case merely on suspicion, 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 A.D.J. 2nd cum Special Judge, Excise Act, Begusarai in connection with Matihani P.S. Case No. 16 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

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

