

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28856 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- DERNI BAZAR District- Saran

1. DHARAMNATH RAI @ HANDA RAI Son of Ramjanam Rai Resident of Village - Pojhi, P.S.- Derani, District - Saran at Chapra.
2. Manjan Rai @ Majanu Rai @ Dular Chand Rai Son of Sita Ram Manjhi Resident of Village - Pojhi, P.S.- Derani, District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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 petitioners and Sri Kumar Ranjit Ranjan, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Derni PS case no. 132 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of huge quantity of illicit liquor from a pick-up van.

The learned counsel for the petitioners has



submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted by referring to paragraph no. 7 of the present petition that neither the illicit liquor nor the pick-up van belongs to the petitioners, 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 pick-up van in question from where the illicit liquor has been recovered belongs to the petitioners nor illicit liquor has been recovered from the petitioners, 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 petitioners herein, as such, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Saran at Chapra in connection with Derni PS case no. 132 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

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

