

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28826 of 2020**

Arising Out of PS. Case No.-69 Year-2020 Thana- PUPRI District- Sitamarhi

SHYAM SUNDAR RAI Son of Ram Chandra Rai Resident of Village-  
Jalalpur, Ward No.12, Mushari Tola, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr. Mritunjay Kumar Gautam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      04-12-2020      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 appearing for the petitioner and Shri Mritunjay Kumar Gautam, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Pupri P.S. Case No. 69 of 2020 for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1.08 litres of illicit liquor from besides the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the



present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a bare perusal of the FIR would show that the illicit liquor has been recovered from besides the house of the petitioner, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the illicit liquor has not been recovered from the house of the petitioner but from a place situated besides the house of the petitioner, prima facie this Court finds that no offence is made out under the provisions of the Act, 2016, hence the bar under Section 76(2) of the 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 proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four



weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarthi in connection with Pupri P.S. Case No. 69 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

S.Sb/-

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