

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28798 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- TAJPUR District- Samastipur

=====

DHARMENDRA KUMAR S/o Jitendra Sah R/o Village/ Mohallah- Yogia
Math, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Aprajita
For the Opposite Party/s : Mr.Rabindra Kumar

=====

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.

Heard the learned counsel for the petitioner and Sri

Rabindra Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Tajpur PS case no. 75 of 2020 registered for

the offences punishable under Section 30(a) of Bihar Prohibition

and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 103.95

liters of illicit liquor from the house of Yogendra Sah.

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 has further submitted that neither any illicit liquor has been recovered from the house of the petitioner nor from his possession, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

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 the illicit liquor has not been recovered either from the house of the petitioner or from his possession, 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 petitioner herein, as such, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge II-cum-Special
Judge, Excise, Samastipur in connection with Tajpur PS case no.
75 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	
---	--	---	--

