

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28973 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- VAISHALI District- Vaishali

1. AMIT KUMAR Son of Sri Raj Kishore Ray Resident of Village- Shekhpurva, P.S.- Vaishali, District- Vaishali at Hajipur.
2. Rahul Kumar Son of Jiyalal Rai Resident of Village- Shekhpurva, P.S.- Vaishali, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Vaishali Police Station Case No. 226 of 2019, disclosing offences under Sections 30 (a)/32(ii)/41(i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that a huge consignment of liquor has been brought by truck between Mansoorpur village and Sheikhpura, proceeded



towards the place of occurrence and found a truck standing near a ditch and beside the said truck, one white-coloured Scorpio vehicle was standing and upon search, the police recovered a total quantity of 3472 litres of illicit liquor from the truck as well as Scorpio vehicle. The name of the petitioners has transpired on the basis of the information given by the Mahal Chowkidar and local people that the petitioners along with others are involved in the illegal trade of liquor.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have got no criminal antecedent. He further submits that the petitioners are not the owners of the vehicles, in question, and nothing has been recovered from their conscious possession or from the vehicles belonging to them. He further submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out against the petitioners under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that the petitioners are not the owner of any of the vehicles, in question and nothing has been recovered from their conscious possession, I am inclined to grant the petitioners



privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Vaishali, at Hajipur, in connection with Vaishali Police Station Case No. 226 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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