

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28837 of 2020

Arising Out of PS. Case No.-280 Year-2019 Thana- CHANPATIA District- West Champaran

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ARJUN SAH Son of Prasad Sah Resident of Village- Garbhuwa Lala Tola,
Police Station- Sirisiya (O.P.), District- West Champaran. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.Rana Randhir Singh

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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 petitioner and Sri Rana Randhir Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Chanpatiya (Sirisiya O.P.) PS case no. 280 of 2019 registered for the offences punishable under Sections 272, 273, 414 of Indian Penal Code and 30(a), 30(b), 30(C) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 10 liters of illicit liquor from the motorcycle of the petitioner.

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.



Having regard to the facts and circumstances of the case, this Court finds that since admittedly, the illicit liquor has been recovered from the motorcycle of the petitioner, a *prima facie* case is definitely made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence considering the bar under Section 76(2) of the Act, 2016, the present petition is not maintainable, hence is dismissed.

Nonetheless, it is directed that in case, the petitioner surrenders before the learned court below within a period of four weeks from today, the learned court of Special Judge (Excise), West Champaran, Bettiah in connection with Chanpatiya (Sirisiya O.P.) PS case no. 280 of 2019 shall consider the case of the petitioner on merits in a sympathetic manner, taking into account the fact that meager quantity of illicit liquor has been recovered from the petitioner and shall dispose of the bail petition of the petitioner on the very same day.

The present petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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