

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28792 of 2020**

Arising Out of PS. Case No.-196 Year-2020 Thana- SHERGHATI District- Gaya

RAJA RAM KUMAR @ RAJARAM PASWAN Son of Meera Paswan @
Biru Paswan Resident of Village- Nawada, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr. Pradeep Narayan Kumar, APP

**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, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Pradeep Narayan Kumar, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Sherghati P.S. Case No. 196 of 2020, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation is regarding recovery of 20 litres of illicit liquor from an open agricultural field.

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 APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the illicit liquor has been recovered from an open field and moreover, no illicit liquor has been recovered from the petitioner, I find that prima facie no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under section 76(2) of the Bihar Prohibition and Excise 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 appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise, Gaya in connection with Sherghati P.S. Case No. 196 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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