

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28782 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

RAJA KUMAR Son of Ganesh Choudhary Resident of Village - Kumhar Tola
Barsauni, P.S.- Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr. Tarun Prasad Mandal, 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 Tarun Prasad Mandal, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with C1-81/2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 21.750 litres of illicit foreign liquor from the house 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.



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 the house of the petitioner, this Court is of the view that a prima facie case is definitely made out against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, considering the bar under Section 76(2) of the said Act, 2016, the present anticipatory bail petition is not maintainable, consequently the same stands dismissed, however, 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 below shall consider the case of the petitioner sympathetically, in view of the meagre quantity of illicit liquor recovered from the house of the petitioner, and dispose of the prayer of the petitioner for grant of bail on the same very day.

The petition stands disposed of on the aforesaid terms.

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(Mohit Kumar Shah, J)

