

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28952 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- MAHUA District- Vaishali

HARIWANSH RAI Son of Daroga Rai Resident of Village- Mahua Singh
Rai, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Mahua Police Station Case No. 126 of 2020, disclosing
offences under Sections 30 (a)/32(ii)/ 34(ii)/38(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 recovered a total quantity of 26.640
litres of illicit liquor from the cow-shed of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has been implicated in this case with oblique motive. He



further submits that the cow-shed, from where illicit liquor has allegedly been recovered, is situated outside the house of the petitioner and is an open space, accessible to all and sundry. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit liquor has been recovered from the cow-shed which is an open space and is accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) 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 Mahua Police Station Case No. 126 of 2020, 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.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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