

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31369 of 2020

Arising Out of PS. Case No.-609 Year-2020 Thana- MADHAURAH District- Saran

SIKANDAR NUT @ SIKENDRA NUT @ LEDAHA Son of Arvind Nut
Resident of Village - Netua Patti, Behind High School, P.S. - Marhowrah,
District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2020

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 the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Marhowrah PS case no. 609 of 2020 registered for the offences punishable under Section 30, 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 90.135 liters of illicit liquor from near a pond.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the



present case and is having clean antecedent. The learned counsel for the petitioner has further submitted that neither the pond belongs to the petitioner nor any illicit liquor has been recovered from the petitioner, hence no offence is made under the provisions of the Bihar Prohibition and Excise Act, 2016.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that neither the illicit liquor has been recovered from the possession of the petitioner nor the pond from where the illicit liquor has been recovered belongs to the petitioner, I find that *prima facie* no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, thus the bar of Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, as such, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Marhowrah PS case no. 609 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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