

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31364 of 2020

Arising Out of PS. Case No.-60 Year-2020 Thana- SARE District- Nalanda

GAUTAM DHARI Son of Late Aslok Dhari Resident of Village - Manpur,
P.S. - Sare, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal 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 Sare PS case no. 60 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 21 liters of illicit liquor from the field of Ashok Mahato.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has



further submitted that there is no allegation of recovery of any illicit liquor either from the field of the petitioner or from his house, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

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 the illicit liquor has neither been recovered from the field of the petitioner nor from his house, 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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Nalanda at Biharsharif in connection with Sare PS case no. 60 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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