

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31359 of 2020**

Arising Out of PS. Case No.-81 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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DILIP CHAUDHARY S/o Sukh Nandan Chaudhary Resident of Village-  
Daulatpur, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Anuj Kr. Srivastava

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**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 Sri Anuj Kr. Srivastava, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Vaishali C2A case no. 81 of 2018 registered for the offences punishable under Sections 30(a) and 35(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as “the Act 2016”).

The allegation is regarding recovery of 1.305 liters of illicit foreign liquor and 05 liters of Beer from the co-accused person namely Subodh Kumar Choudhary.



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 the petitioner has been roped in the present case merely on suspicion in view of his name having been disclosed by the rest of the co-accused persons, however no illicit liquor has been recovered from the petitioner, hence no case is made out under the provisions of the 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 no illicit liquor has been recovered from the petitioner, this Court finds 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 Additional Sessions Judge II-cum-Special Judge, Excise Court, Vaishali at Hajipur in connection with C2A case no. 81 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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