

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79755 of 2019

Arising Out of PS. Case No.-376 Year-2019 Thana- JAKKANPUR District- Patna

RAVINDRA KUMAR Son of Ganga Prasad Resident of Mohalla - Bangali
Tola, P.S.- Jakkanpur, Patna, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Jakkanpur P.S. Case No. 376 of 2019 (Special Case No. 5630 of 2019), registered for the offence punishable under Sections 272, 273, 120B of the Indian Penal Code and Sections 30(a)/38/41 of the Bihar Excise Act, 2016.

The allegation is regarding recovery of 106.200 liters of illicit liquor from the garage situated in the premises of one Writer Business Service Private Limited and the co-accused person, namely, Monu Kumar was arrested, who is said to have disclosed about the petitioner being his accomplice.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case



and he is having a clean antecedent. It is further submitted that neither any recovery has been made from the possession of the petitioner nor from his house nor from his premises and he has been falsely implicated upon false and incorrect disclosure made by the co-accused person, namely, Monu Kumar, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted, thus, there is no impediment in considering the present anticipatory bail petition.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no recovery has been made either from his possession or from his house, this Court is prima facie of the view that a bare reading of the FIR do not constitute any offence punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 as far as the petitioner is concerned, for the purposes of consideration of the present petition, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before



the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Jakkanpur P.S. Case No. 376 of 2019 (Special Case No. 5630 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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