

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13906 of 2020**

Arising Out of PS. Case No.-237 Year-2018 Thana- NAUTAN District- West Champaran

KEDAR MUKHIYA, S/o Mohan Kukhiya R/o village- Parasauni, P.S.-  
Nautan, District- West Champaran at Bettiah.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      25-10-2021                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Nautan P.S. Case no. 237 of 2018, registered under  
Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The accusation is recovery of 70 bottles, each  
containing 180 ML Indian Made Foreign Liquor, from the  
motorcycle of the petitioner.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in this  
case due to dirty village politics. Further submission is that the  
petitioner has not been apprehended on the spot.

The learned A.P.P. appearing for the State has,  
vehemently, opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the  
case, considering the submissions made by the learned counsel



for the petitioner and taking into account the fact that the illicit Indian Made Foreign Liquor has neither been recovered from the conscious possession of the petitioner nor from his house, but from the motorcycle of the petitioner, which has been left on the place of occurrence, as is apparent from the F.I.R, this Court finds that prima facie no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of the Act, 2016 shall not be applicable in the present case, thus, this Court deems it fit and proper to admit the petitioner to the privilege of anticipatory Bail.

Accordingly, in the event of arrest or surrender in the Court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 237 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Purnendu Singh, J)**

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