

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29972 of 2020

Arising Out of PS. Case No.-323 Year-2019 Thana- BARAULI District- Gopalganj

DAKHALU PRASAD Son of Mithu Prasad Resident of Village -
Mohammadpur Jaddi, P.S.- Madhopur O.P. (Barauli), District - Gopalganj,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Adv.

For the Opposite Party/s : Mr. Ganesh Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-01-2021 Heard Mr. Kumar Kaushlendra, learned counsel for
the petitioner and Mr. Ganesh Pd. Singh, Additional Public
Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Barauli PS (Madhopur OP) Case No. 323/2019 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

3. The allegation against the petitioner, as per First
Information Report, is that petitioner along with other accused
persons was seen in a video footage transferring illicit liquor
from the sack of wine to the dickey of a motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case on the basis of



of video footage allegedly sent by unknown person without verifying the genuineness of the said video. Learned counsel, referring to the seizure list, submits that no incriminating material or illicit liquor has been recovered by the police. Learned counsel next submits that petitioner has got no criminal antecedents and no illicit liquor has been recovered from his conscious possession or the from the premises belonging to him.

5. It is, thus, also submitted that upon perusal of the FIR and seizure list no, *prima facie*, offence under the Excise Act is made out against the petitioner.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no liquor has been recovered from the conscious possession of the petitioner or from the premises or vehicle belonging to him and petitioner has got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, DAKHALU PRASAD shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise- Gopalganj in connection with



Barauli PS (Madhopur OP) Case No. 323/2019 (GR. No. 1069/2019), subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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