

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29906 of 2020

Arising Out of PS. Case No.-371 Year-2019 Thana- SHEKHPURA District- Sheikhpura

VIJAY SAW @ VIJAY KUMAR Son of Arjun Saw Resident of Village-
Bullachak, Police Station- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-01-2021 Heard Mr. Bipin Kumar, learned counsel for the
petitioner and Mr. Akshay Lal Pandit, Additional Public
Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Sheikhpura PS Case No. 371/2019 (Excise Case No. 273/2019)
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise Act, 2016.

3. The allegation, as per FIR, is that the police, on the
basis of secret information, arrived at Arun Line Hotel,
Chakdiwan, Sheikhpura and recovered 630 Litres of illicit
liquor from the three vehicles standing over there. It is further
alleged that petitioner and other co-accused persons managed to
escape from the place of occurrence.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case with oblique



motive and he has got no criminal antecedents. Learned counsel further submits that the vehicles, from-where illicit liquor has been recovered, do not belong to the petitioner. Learned counsel next submits that no illicit liquor has been recovered from the conscious possession of the petitioner or from the vehicle belonging to him.

5. Thus, the submission is 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 vehicle belonging to him and petitioner has got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, VIJAY SAW @ VIJAY KUMAR 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, Sheikhpura in connection with Sheikhpura PS Case No. 371/2019 (Excise Case No. 273/2019), 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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