

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38505 of 2020
Arising out of P.S. Case No. 367, year- 2020, Thana Siwan Mufassil,
District Siwan

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Deepak Bansfor, Male, aged about 20 years, S/O Kanhaiya Bansfore, R/O
Village Bansfor Tola Mansa baba, P.S. Mahadeva O.P., District Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opp. Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2021

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, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Siwan Mufassil P.S. Case No. 367 of 2020 for the offence punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5.4 litres of illicit liquor from near the house of the petitioner.

The learned counsel for the petitioner has submitted tha



is innocent, has been falsely

implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a bare perusal of the seizure list would show that there is no allegation of recovery of illicit liquor from the house of the petitioner, hence, the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted.

Ms. Anita Kumari Singh, the learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case and considering the submissions made by the parties as also taking into account the materials available on record, 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, inasmuch as there is no allegation of recovery of illicit liquor from the house of the petitioner whereas the case of the prosecution is that illicit liquor has been recovered from near the house of the petitioner, hence the bar under Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner, thus I deem it fit and proper to admit the petitioner to the privilege of



il.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, Excise, Siwan in connection with Siwan Mufassil P.S. Case No. 367 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

