

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40030 of 2020

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Santosh Singh @ Santosh Kumar Singh, aged about 44 years,
male, son of Basawan Singh, resident of village-Jonhi, P.S.
Bikramganj, District-Rohtas

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Siddharth Harsh, Advocate

For the State :- Mr. Ram Anurag Singh, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2. 03.06.2021** 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
Shri. Ram Anurag Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bikramganj P.S. Case No. 94 of 2020 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of three litres of illicit liquor from the house in question which is stated to be the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that firstly the illicit liquor has not been recovered from the conscious possession of the petitioner and secondly the house in question is the ancestral house of the petitioner and the same belongs to several coparceners, as has been stated in paragraph No. 6 of the petition, and therefore, the house in question is in the joint possession of all the coparceners, some of whom are military personnel, hence it is submitted that the petitioner cannot be

singled out for the offences alleged, consequently, the provisions of the Bihar Prohibition and Excise Act, 2016 shall not be attracted.

Per contra, the learned A.P.P. for the State Shri. Ram Anurag Singh, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the house from which illicit liquor has been recovered is in the joint possession of several coparceners and moreover, the illicit liquor has not been recovered from the conscious possession of the petitioner, 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, thus the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner herein, hence I deem

it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd cum-Special Judge, Excise, Rohtas at Sasaramin connection with Bikramganj P.S. Case No. 94 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-