

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40024 of 2020

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Vivek Kumar Singh aged about 28 years, Gender-Male, son of
Rabindra Singh, Resident of village-Sahdulepur, P.S.
Hussainganj, District-Siwan

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Ashok Kumar , Advocate

For the State :- Mr. Kumar Veerendra Narayan, 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. Kumar Veerendra Narayan, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Hussainganj P.S. Case No. 268 of 2020 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 253.250 litres of illicit liquor from a Bolero vehicle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the Bolero vehicle in question belongs to the petitioner, as has also been averred in paragraph no. 8 of the present petition, hence it is stated that no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Per contra, the learned A.P.P. for the State Shri. Kumar Veerendra Narayan, 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 fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the vehicle in question belongs to 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, thus 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 2nd Additional District and Sessions Judge-cum-Special Judge, Excises, Siwan in connection with Hussainganj P.S. Case No. 268 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-