

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40924 of 2020

Arising Out of PS. Case No.-321 Year-2020 Thana- RAJAOLI District- Nawada

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PRADEEP MISTRY @ PRADEEP KUMAR S/o Umesh Mistri R/o village-
Bhadara, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Pawan Kr. Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner and Sri
Pawan Kr. Chaurasia, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Rajauli PS case no. 321 of 2020 registered
for the offences punishable under Sections 30(a), 41, 52 of
Bihar Prohibition and Excise Act, 2016.

The police is stated to be on a drive against the
illicit liquor trade and when they had reached near the canal at
village Bhadra, one person namely Birbal Rajvanshi was
arrested and he is alleged to have named the other accused
persons including the petitioner herein. It is also alleged that
upon search, certain quantity of illicit countrymade liquor was
recovered and three motorcycles, two of them having no
registration number, were also seized. The said arrested Birbal



Rajvanshi disclosed the name of the petitioner and other accused persons to be his accomplice.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that merely on the disclosure made by the person arrested by the police, the petitioner has been falsely implicated in the present case and in fact a similarly situated co-accused person namely Dinesh Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.04.2021, passed in Cr. Misc. no. 38054 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, it is apparent that as far as the consideration of the present anticipatory bail petition is concerned, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act, 2016), hence the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner,



more so, considering the nature of allegation as also the fact that co-accused person has already been granted anticipatory bail by a co-ordinate Bench of this Court. Hence, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge II-cum- Special Judge, Nawada in connection with Rajauli PS case no. 321 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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