

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39073 of 2020

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Sanjeet Yadav @ Sanjeet, aged about 36 years, Gender-Male,
son of Late Bechan Yadav, resident of village-Bhauara, Hawai
Adda, P.S. Madhubani Town, District-Madhubani

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Subhash Kumar Jha, Advocate

For the State :- Mr. Gauri Shankar Gupta, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2. **01.06.2021** 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. Gauri Shankar Gupta, learned A.P.P. for the State.



The petitioner apprehends his arrest in connection with G.O. Case No. 141 of 2020 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 40 litres of illicit liquor from the courtyard of the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, 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 the illicit liquor has neither been recovered from the conscious possession of the petitioner nor from within the house of the petitioner, hence the petitioner should be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State Shri. Gauri Shankar Gupta 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 petitioner and taking into account the materials available on record, this Court finds that there is direct allegation of recovery of illicit liquor from the premises of the house of the petitioner, hence the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, shall come into play, and would preclude this Court from grant of anticipatory bail to the petitioner herein, hence the present petition stands dismissed as not maintainable..

Nonetheless, the learned court below is directed to consider the case of the petitioner sympathetically and dispose of his regular bail application, as and when filed, on the very same day of filing of the same, considering the fact that the illicit liquor has been recovered from an open courtyard.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

