

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 39572 of 2020

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Pramod Yadav, aged about 29 years (Male), son of Kuldeep Yadav, resident of village-Mohkama, 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, Adv.
For the State : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021 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 the learned A.P.P. for the State, Sri Ashok Kumar.

This is an application for grant of anticipatory bail in connection with Rajauli P.S. Case No. 382 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise



Act, 2016.

The allegation is regarding recovery of illicit liquor and country made Mahua wine from near the river bank.

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 from his house but from a place which does not belong to the petitioner, hence, no case is made out under the Provisions of the Bihar Prohibition and Excise Act, 2016 .

Per contra, the learned APP for the State, Mr. Ashok Kumar, 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 as also considering the fact that the illicit liquor has been recovered from the river bank and not either from the conscious possession of the petitioner or from his house, 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 the consideration of the present bail petition is concerned, 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 herein, thus, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-II-cum-Special Judge,
Nawada in connection with Rajauli P.S. Case No.
382 of 2020, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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