

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.987 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- HILSA District- Nalanda

1. MUNNA KUMAR S/o Late Chandeshwar Prasad Resident of Muhalla - Saida Bazar, Police Station - Hilsa, District - Nalanda(Bihar).
2. Satish @ Litti S/O Munna Kumar Resident of Muhalla - Saida Bazar, Police Station - Hilsa, District - Nalanda(Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-01-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hilsa PS case no. 339 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

At the outset, the learned counsel for the petitioner in presence of learned APP for the State seeks to withdraw the present petition *qua* petitioner no. 1, inasmuch as he has already stood arrested.

Accordingly, the present petition *qua* petitioner no. 1 is dismissed as not pressed.



The allegation is regarding recovery of about 14 liters of countrymade liquor from the house of the petitioners.

The learned counsel for the petitioners has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that since the father of the petitioner no. 2 i.e. petitioner no. 1 has already been arrested and he has been sufficiently punished, a lenient view may be taken as far as petitioner no. 2 is concerned.

Per contra, the learned APP for the State 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 the illicit liquor has been recovered from the house stated to be the house of petitioner no. 1 who is the father of petitioner no. 2, this Court finds that *prima facie* no case is made out *qua* the petitioner no.2 herein, 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 of Section 76(2) of the Act, 2016 shall not be an



impediment for the purposes of grant of anticipatory bail to the petitioner herein, as such, I deem it fit and appropriate to admit the petitioner no. 2 to the privilege of anticipatory bail. Accordingly, the petitioner no. 2, 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 Special Judge, Excise Court-cum-A.D.J. III, Nalanda at Biharsharif in connection with Hilsa P.S. case no. 339 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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