

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39561 of 2020

=====

Chanda Malik aged about 35 years son of Late Jangali Mallik,
Resident of Naurangabagh Dom Toli, Ward No. 27, P.S. Bettiah
Town, District-West Champaran

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

=====

Appearance:-

For the Petitioner:- Mr. Shivjee Singh, Advocate

For the State :- Ms. Gulnar Begam, APP

=====

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

Ms. Gulnar Begam, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No. 37 of 2020 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 1.5 litres of beer from the hut of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner was not present at the time when the search was made in the hut of the petitioner, hence the possibility of illicit liquor having been planted by some person, cannot be ruled out.

Per contra, the learned A.P.P. for the State Ms. Gulnar Begam 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 fact that

illicit liquor has been recovered from the hut of the petitioner, the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall come into play, consequently, the present petition for grant of anticipatory bail is not maintainable, hence is accordingly, dismissed.

Nonetheless, considering the fact that trivial quantity of illicit beer has been recovered from the hut of the petitioner, I deem it fit and proper to direct the learned court below to consider the regular bail petition of the petitioner sympathetically, as and when the same is filed, and dispose it on the very same day of filing of the same.

(Mohit Kumar Shah, J)

S.Sb/-