

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 40082 of 2020

Ramesh Bhgat, aged about 35 years, Male, son of late Sitaram Bhagat,
resident of village-Bathna, P.S.-Maheshi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh NO. I, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-06-2021 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, Mr. Anil Kumar Singh No. 1.

This is an application for grant of anticipatory bail in connection with Motipur P.S. Case No. 198 of 2020 registered for the offences punishable under Section 30(a), 41(1)(2) of the Bihar



Prohibition and Excise Act.

The allegation is regarding recovery of substantial quantity of illicit liquor from the house of the co-accused person, namely, Rajesh Kumar and it is alleged that the other accused persons including the petitioner herein had kept the illicit liquor in the house of the said Rajesh Kumar.

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 the illicit liquor has neither been recovered from the conscious possession of the petitioner nor from his house, 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. Anil Kumar Singh No. 1, 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 neither the illicit liquor has been recovered from the conscious possession of the petitioner nor 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 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 198 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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