

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40930 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- SALAIYA District- Aurangabad

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ROHIT KUMAR S/o Sri Anil Singh @ Anil Kumar Singh Resident of
Village- Pirthu, P.S.- Salaiya, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Salaiya PS case no. 33 of 2020 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

The allegation is regarding the police having
raided the place of occurrence i.e. the agricultural land
belonging to one Nathuni Singh and had found that certain
quantity of illicit liquor had been kept in a jerkin inside a ditch
which had been dug there. It had also transpired during the
course of enquiry having been made from the co-villagers that
the petitioner and other accused persons were involved in the
business of illicit liquor and had hid the illicit liquor in the



agricultural land of Nathuni Singh with an intention of selling it at a later point of time.

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 is an accused in one other case but he is on bail in the said case. It is next submitted that neither the land nor the illicit liquor belongs to the petitioner and the petitioner has been falsely implicated in the present case merely at the behest of the co-villagers.

Per contra, the learned APP for the State has vehemently opposed the prayer of 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 since the illicit liquor has neither been recovered from the house of the petitioner nor the land from where recovery has been made belongs to the petitioner, no *prima facie* case is made out against the petitioner, as far as consideration of the present bail petition is concerned, under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act, 2016), hence the bar under



Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of bail to the petitioner herein, thus I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, 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 Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Salaiya PS case no. 33 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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