

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4622 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

Sanjiv @ Sanjiv Yadav Son of Manraj Yadav, Resident of Village- Bishanpur,
P.S.- Ladania, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard.

The petitioner apprehends his arrest in connection with Excise Case No. 209 of 2020, registered for the offence punishable under Sections 30(a) of Prohibition Excise Act, 2018.

The allegation is regarding the police having apprehended a Hyundai Xcent vehicle and upon search, 127.350 liters of illicit wine was recovered. It is further alleged that the driver of the said vehicle, who was arrested on the spot, had disclosed that the person sitting in the vehicle i.e. the petitioner herein had managed to escape.

The learned counsel for the petitioner submits 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 also submitted by referring to paragraph No.



10 of the present petition that the petitioner has got no concern with the alleged vehicle in question or the illicit liquor in question and he has been falsely implicated in the present case merely on the basis of the confessional statement of the driver of the vehicle in question.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account the materials available on records, this Court finds that prima facie no case is made out against the petitioner under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, in as much as neither illicit liquor has been recovered from the conscious possession of the petitioner nor the vehicle in question from which wine has been recovered, belongs to the petitioner, hence, the bar under Section 76(2) of the Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner, thus, this Court deems it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within



a period of four weeks from today before the learned court below, the petitioner, above -named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, Gopalganj, in connection with Excise Case No. 209 of 2020, subject to the condition as laid down under section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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