

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4625 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Raja Kumar Son Of Botelal Singh, Resident Of Village- Baghi, Ward No.-6,
P.S-Mufassil, District-Samastipur.

... .. Petitioner/s

Versus

The Stae Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Aprajita, Adv.
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 petitioner apprehends his arrest in connection with Mufassil P.S. Case No. 319 of 2020, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 162 liters of illicit foreign liquor from the orchard of the father of the petitioner.

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 further submitted that the illicit liquor has been recovered from an orchard which is an open space and the



liquor could have been kept by any person, however, the fact remains that the orchard in question does not belong to the petitioner, hence the petitioner cannot be blamed for the illicit liquor recovered from the orchard.

Per contra, the learned A.P.P. 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 as also taking into account the materials available on records, this Court finds that since the orchard in question, from where the illicit liquor has been recovered, does not belong to the petitioner and moreover the orchard is an open space which is accessible by any one, 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, as such the bar under section 76(2) of the Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner, hence, 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 A.D.J. 2nd cum Special Judge Excise Act, District Samastipur in connection with Mufassil P.S. Case No. 319 of 2020, subject to the condition as laid down under section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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