

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6225 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- SALAIYA District- Aurangabad

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Birendra Singh Son of Late Kuldip Singh Resident of Village - Nega Bigha,
P.S.- Salaiya, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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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 Salaiya P.S. Case No. 31 of 2020 for the offence punishable under Sections 30(a) of the Bihar Liquor Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 30 liters of *Mahua* liquor from the under construction house of one Sachitanand Singh and it is alleged that some accused persons had fled away from the spot when the police had raided the said place of occurrence and subsequently it has transpired from the information given by the local people that the petitioner was also one of the persons who had fled from the place.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that neither the place



from where the illicit *Mahua* liquor has been recovered, belongs to the petitioner nor any illicit liquor was recovered from the house of the petitioner or from his conscious possession, hence no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that prima facie no case is made out under the provision of the Bihar Prohibition and Excise Act, 2016 in as much as firstly the under construction house from where the illicit liquor has been recovered, does not belong to the petitioner and secondly, the petitioner is having a clean antecedent as also no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house, hence, the bar under section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not come in the way of this Court from granting anticipatory bail to the petitioner herein, thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, 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 the learned Special Judge Excise, Aurangabad in connection with Salaiya P.S. Case No. 31 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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