

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8605 of 2021**

Arising Out of PS. Case No.-377 Year-2020 Thana- HISUWA District- Nawada

PINTU KUMAR S/O Naresh Prasad Yadav Resident of Village - Sartakiya,
P.S. - Hisua, District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Lilawati Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 26-11-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hisua PS case no. 377 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter to be referred to as the “Act 2016”).

The allegation is regarding recovery of 4 liters of illicit coutrymade mahua liquor from near the river bank.

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 there is no material whatsoever to connect the petitioner with the alleged crime, hence no offence



is made out under the provisions of the Act, 2016.

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 *prime facie*, no case is made out under the provisions of the Act, 2016, as far as consideration of the present anticipatory bail petition is concerned, in view of the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house but the same has been recovered from near the banks of the river, thus the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, hence 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-IIInd- cum-Special Judge, Nawada in connection with
Hisua PS case no. 377 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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