

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50308 of 2021**

Arising Out of PS. Case No.-305 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

PANKAJ KUMAR S/O - Dinesh Sao @ Dinesh Prasad Resident of Village -
Vishwakarma Colony, Khemnichak, P.S. - New Jaganpura, Dist. - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Adv.

For the Opposite Party/s : Mr. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 06-01-2022 Heard both the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Ram Krishna Nagar P.S. Case No.305 of 2020 instituted for the offences under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the name of the petitioner has been mentioned by other co-accused, who were arrested along with the illicit liquor. Learned counsel further submits that on the basis of accused statement, no case under 30(a) of the Excise Act can be said to be made out as against the petitioner and therefore the petitioner may be released on anticipatory bail. I have considered the submission.

Taking into consideration that 126 litres of illicit



liquor was recovered from a car. The person, who was driving the car has named the petitioner. Naming the petitioner by accused, prima facie no case under Section 30(a) of the Excise Act can be said to be made out as against the petitioner and in view of the case law as laid down in Ram Vinay Yadav Vs. The State of Bihar, reported in 2019(2) PLJR 1089, I am inclined to grant benefit of anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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