

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37083 of 2023**

Arising Out of PS. Case No.-458 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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BINOD KUMAR @ BINOD @ VINOD S/O VED PAL R/O Milakpur Gujar,
Alawar, Ashiyana Town B-77/26, Near Trihan Thada Bhiwandi (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha
For the Opposite Party/s : Mr. Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Darbhanga Police Station Case No. 458 of 2021, dated 28.10.2021, disclosing offence under Sections 30(a)/36/41(i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, during checking, intercepted white colour container bearing Registration No. HR47C-4673 and recovers 320 bottles of illicit liquor from the said container and arrested two persons, who disclosed the name of the petitioner and stated that the liquor was purchased from him.



Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of statement made by the arrested co-accused and liquor has not been recovered from his conscious possession and/or vehicle belonging to him. He further submits that the petitioner is not the owner of the seized container and there is no material on record that the arrested co-accused persons have purchased liquor from the shop of the petitioner. He next submits that the petitioner is a resident of Rajasthan and have no business activities in the territory of State of Bihar.

Regards being had to the submission made on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from conscious possession of the petitioner and/or vehicle belonging to him and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Act,



Darbhanga, in connection with Darbhanga Police Station Case
No. 458 of 2021, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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