

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30514 of 2023

Arising Out of PS. Case No.-36 Year-2019 Thana- DHANSOI District- Buxar

UPENDRA SINGH Son of Kedar Singh Resident of village - Panapur,
Keshahar Kala Tola, P.S. - Dhansoi, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate
		Mr.Shankar Kumar, Advocate
For the Opposite Party/s :		Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Dhansoi P.S. Case No.36 of 2019, registered for offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The allegation is regarding the informant along with his police force, on the alleged date and time of occurrence, being on patrolling duty, when he received secret information to the effect that the petitioner and others had hidden foreign liquor in the field of one co-accused, namely, Satyendra Singh. It is further alleged that upon search being



made, 1140.480 litres of illicit foreign liquor was recovered from the field of the aforesaid co-accused person, namely, Satyendra Singh.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in three other cases in which he is on bail. The learned counsel for the petitioner has also submitted that firstly the illicit foreign liquor was recovered from the field of the co-accused, namely, Satyendra Singh and secondly, neither the petitioner has been apprehended from the spot nor any illicit liquor has been recovered from his house, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, thus there is no impediment in grant of anticipatory to the petitioner.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. 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 as also considering the fact that illicit liquor has neither been recovered from the conscious possession of the petitioner nor from his house, this Court *prima facie* finds that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Judge, Excise Court-I, Buxar in connection with Dhansoi P.S. Case No.36 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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