

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37087 of 2023**

Arising Out of PS. Case No.-78 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Sheohar

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VINAY KUMAR @ VINAY SAH SON OF LATE RAJDEO SAH R/V
-MINAPUR,BALHA,WARD NO.11, PS -PIPRAHI, DISTT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Pushpendra Kumar Singh
For the Opposite Party/s :	Mr. Ramesh Chandra

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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 Sheohar Police Station Case No. 78 of 2023, dated 25.03.2023, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police got secret information, on 25.03.2023, that the petitioner along with other accused persons have brought the consignment of english liquor and have stored the same near a culvert of Meenapur Balha Dhala, arrived at the place of occurrence and upon seeing policy party, the petitioner



along with other accused persons fled away, however, police recovered a total quantity of 180 liters of illicit liquor from near the culvert.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information and he has not committed any offence in the manner alleged. He further submits that the petitioner has got no criminal antecedent and illicit liquor has not been recovered from the conscious possession of the petitioner and/or premises belonging to him. He next submits that liquor has been recovered from the public place which is open and accessible to all and sundry.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner and/or premises belonging to him, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Sitamarhi, in connection with Sheohar Police Station Case No. 78 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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