

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38348 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- BATHNAHA District- Sitamarhi

Rohit Kumar Son of Shiv Sharan Raut @ Tengari, resident of village - Pipra
Parsain Hanuman Nagar Darbar Lalbandi, P.S. - Sonbarsa, Distt. - Sitamarhi
... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

- 2 28-07-2023 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 Bathnaha P.S.
Case No.150 of 2023, registered for offence under
Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.
3. The allegation is regarding recovery of
504 litres of illicit *nepali* liquor from a Santro Car
and when the driver was apprehended and



interrogated, he had disclosed the name of his accomplices, including that of the petitioner herein.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the Santro car in question belongs to the petitioner, as has been categorically stated in paragraph no.7 of the present petition, hence the petitioner is not having any complicity in the matter.

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 neither the petitioner has been apprehended from the spot nor the vehicle in question from which illicit liquor has been recovered, belongs to the petitioner, this Court finds that no case is made out for the offences punishable 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 the purposes of grant of anticipatory bail to the petitioner herein, 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 Excise Judge-1st Sitamarhi, in connection with Bathnaha Police P.S. Case No.150 of 2023,



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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