

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38523 of 2023

Arising Out of PS. Case No.-583 Year-2021 Thana- SARAIYA District- Muzaffarpur

MAYANK THAKUR @ MAYANK KUMAR Son of Umesh Thakur Resident
of village - Patahi, P.S.- Sadar, District - Muzaffarpur (Mobile No.-
9934813217)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-07-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in
connection with saraiya P.S. Case No. 583 of 2021 registered for
the offence punishable under Sections 272, 273/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition & Excise
Act, 2016.

3. The allegation is regarding recovery of 30 liters of illicit
country made liquor kept in a sack over the motorcycle in
question as also 540 ml. of illicit foreign liquor from a Santro
car.

4. The learned counsel for the petitioner submits 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 two other cases, but he is on bail in the said cases. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 7 of the present petition that the Santro car in question does not belong to the petitioner and his name has transpired, upon disclosure made by the local people to the effect that the petitioner is also having complicity in the alleged occurrence, hence, it is submitted that the petitioner be granted the privilege of bail.

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 petitioner, taking into account the materials available on record as also considering the fact that neither the vehicle in question belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, this Court finds that prima facie, no case is made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to “the Act, 2016”), hence, the bar under Section 76(2) of the 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 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 Special Judge, Excise Court No. II, Muzaffarpur in connection with Saraiya P.S. Case No. 583 of 2021, 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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