

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38325 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- DARIHAT District- Rohtas

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FULENDRA SINGH @ KALENDRA KUMAR Son of Nagina Singh
Resident of Village - Hurka, P.S. - Darihat, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Darihat P.S. Case No.286 of 2022, registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 90 litres of illicit country made mahua liquor from near the banks of River Sone.

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 the place from where the illicit liquor has been recovered belongs to the petitioner nor the illicit liquor has been recovered from the conscious possession of the petitioner, hence the petitioner is not having any complicity in the matter.

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

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 illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the illicit liquor has been recovered belongs to the petitioner, prima facie this Court 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 herein, thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

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 Court of Exclusive Special Judge, Court No.-1, Rohtas at Sasaram, in connection with Darihat P.S. Case No.286 of 2022, 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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