

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38498 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- RAJAOLI District- Nawada

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SUBODH KUMAR MODI @ SUBODH S/O KRISHNA LAL MODI R/O-
Bauddikala, PS. Rajauli, Dist. Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Prem Kumar Jha

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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 the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Rajauli P.S. Case No. 227 of 2023 registered for the offence punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Act.

3. The allegation is regarding recovery of 132.75 liters of illicit foreign liquor from a Tata Safari vehicle.

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 submitted, by referring to paragraph no. 8 of the



present petition that the petitioner is not the owner of the vehicle in question. It is further submitted that the name of the petitioner has transpired upon disclosure made by the village chaukidar, however, 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 petitioner, 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 vehicle in question is stated to be belonging to the petitioner, as has been categorically stated in paragraph no. 8 of the present petition, 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 Exclusive Special Excise Court-2, Nawada in connection with Rajauli P.S.Case No. 227 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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