

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38355 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- PANDAU District- Madhubani

Chandan Kumar Safi @ Chandan Safi Son of Sanjay Safi Resident of village
- Dhobi Tola Pandaul, P.S. - Pandaul, Distt. - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, 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 Pandaul P.S. Case No.77 of 2023, registered for offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.
3. The allegation is regarding recovery of 15.24 litres of illicit liquor from the back side of the



house of the co-accused Dilip Das.

4. The learned counsel for the petitioner has submitted 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 accused in one another case in which he is on bail. The learned counsel for the petitioner has also submitted that neither illicit liquor has been recovered from the house of the petitioner nor the petitioner is having any complicity in the alleged offence and his name has transpired in the present case, upon information having been given by the co-villagers regarding his complicity in the alleged crime.

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 illicit liquor has been recovered from the conscious possession of the petitioner, this Court finds that no case is made out for the offences punishable under the provisions of 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 Additional Sessions Judge-II-cum-Special Excise Act, Madhubani, in connection with Pandaul P.S. Case No.77 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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