

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38514 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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SHYAM SUNDAR PRASAD @ SHYAM KISHOR MAHTO son of Late
Mano Mahto Village- Mangura Ps- Kadirganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.
For the Opposite Party/s : Mr.Parmanand Prasad, 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 the learned

A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Excise P.S. Case No. 204 of 2023, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation is regarding recovery of 50 liters of illicit spirit from the possession of the co-accused person, namely, Munna Kumar, who is the son of the petitioner and just because, the petitioner is the father of the main accused person, namely, Munna Kumar, he is stated to have been made an accused in the present case.

4. The learned counsel for the petitioner submits 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 the main accused is his son, who has already been arrested with the illicit liquor in question and just because, the petitioner happens to be the father of the said Munna Kumar, he has been made an accused in the present case, however, he 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 the illicit liquor has been recovered from the co-accused person, namely, Munna Kumar and the petitioner is not having any complicity in the matter, inasmuch as no illicit liquor has been recovered from his possession, 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 Excise P.S.Case No. 204 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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