

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38322 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- KATEYA District- Gopalganj

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DHANANJAY SINGH Son of Bidya Singh @ Vidha Singh Resident of
Village - Bankata, Semaria, P.S.- Kateya, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, 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 Kateya P.S. Case No.202 of 2023, registered
for offences under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

The allegation is regarding the informant and his
police force being engaged in checking of vehicles, coming
from Uttar Pradesh and on the alleged date and time of
occurrence, the informant saw two persons, coming on a
motorcycle, carrying one gunny bag, however on seeing the
police force, while they were trying to flee away, they fell down,
however, one person was apprehended, alongwith the gunny
bag, from which 18 litres of Banti Babli country made wine was



recovered.

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 illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner has been apprehended from the spot and he has been falsely implicated in the present case, merely upon the confessional statement made by the co-accused person, namely, Indrajeet Chauhan, which in any view of the matter has got no evidentiary value in the eyes of law.

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 petitioner has been arrested from the spot, 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, hence 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 Additional District & Sessions Judge-II-cum-Special Excise Court No.-I, Gopalganj, in connection with Kateya P.S. Case No.202 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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