

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38476 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- CHAKIA District- East Champaran

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Bigu Ram Son Of Sahdev Ram Resident Of Village- Ganesh Sirsiya, Ps-
Chakia, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, ADvocate

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

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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 Chakia P.S.
Case No.36 of 2023, registered for offence under
Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.
3. The allegation is regarding recovery of
15 litres of illicit countrymade liquor from the



house of the co-accused person, namely, Dasrath Ram and the petitioner happens to be the father of the said Dasrath Ram, hence he has also been implicated in the present case.

4. 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 only because the petitioner is the father of the co-accused person, namely, Dasrath Ram, from whose house 15 litres illicit liquor has been recovered, the petitioner has been falsely made an accused in the present case.

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 illicit liquor has been recovered from the



house of the son of the petitioner and as far as the petitioner is concerned, neither any illicit liquor has been recovered from his conscious possession nor from his house, prima facie 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 Exclusive Special Excise Court NO.1, Motihari East Champaran, in connection with Chakia P.S. Case



No.36 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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