

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45225 of 2023

Arising Out of PS. Case No.-149 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

RINKU YADAV @ BALJEET SINGH S/O NAGINA SINGH @ NAGINA
YADAV R/O VILLAGE- LEWRA, PS. TILAUTHU, DIST. ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-08-2023 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 Sasaram (M) P.S. Case No. 149 of 2019 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. It is alleged that upon the police having received secret information to the effect that some accused persons were bringing illicit liquor in a container for the purposes of distributing it to the local suppliers, the informant along with his police force had conducted a raid at the alleged place of occurrence and one container (big truck) and two cars were apprehended, which were then searched and 13230 liters of illicit liquor was recovered. It is further alleged that the name of the petitioner has transpired in the present case, upon the



informant having received secret information that he is also one of the miscreant, who is engaged in illicit business of liquor.

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 three other cases, but he is on bail in the said cases. The learned counsel for the petitioner has also submitted, by referring to paragraph no. 9 of the present petition that the petitioner is neither the owner of the illicit liquor nor the owner of the truck in question nor the owner of the cars in question and moreover, no recovery has been made from the conscious possession of the petitioner, much less he has been arrested from the spot, hence, it is submitted that no offence is made under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to “the Act, 2016”)

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 it is the categorical averment of the petitioner that he is not the owner of the vehicles in question



and moreover, no recovery of illicit liquor has been made from the conscious possession of the petitioner and merely on suspicion, his name has been dragged in the present case, this Court finds that prima facie, no case is made out for the offences punishable under the provisions of 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 No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram (M) P.S.Case No. 149 of 2019, 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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