

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48490 of 2023**

Arising Out of PS. Case No.-30 Year-2023 Thana- JANKINAGAR District- Purnia

1. DEJU KUMAR SON OF INDRA BHUSHAN MANDAL RESIDENT OF VILLAGE- KARBAILI ,WARD 17,PS- KUMARKHAND,DISTRICT- MADHEPURA
2. ANIL SAH SON OF LATE MAHADEV SAH RESIDENT OF VILLAGE- KARBAILI ,WARD 17,PS- KUMARKHAND,DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate  
For the Opposite Party/s : Ms.Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      11-08-2023                      Heard the learned counsel for the petitioners and  
learned APP for the State.

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

The allegation is regarding recovery of 162 litres of illicit foreign liquor from a maize field, belonging to one Nirmal Kumar Yadav.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case. The learned counsel for



the petitioners has further submitted that they are accused in one another case but they are on bail in the said case. The learned counsel for the petitioners also submitted that the field in question, admittedly does not belong to the petitioner and they have been roped in the present case merely on suspicion, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

*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 the illicit liquor has not been recovered from the field of the petitioners and the field in question belongs to one Nirmal Kumar Yadav, prima facie this Court finds that no case is made out for the offences punishable 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 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.



Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge Court No.1, Purnea, in connection with Janki Nagar P.S. Case No.30 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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