

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45431 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

ARYAN KUMAR @ DHANESH @ DHANESH KUMAR SON OF
VISHWANATH YADAV RESIDENT OF VILLAGE -TUMBA P S
-ROHTAS DISTRICT -ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-08-2023 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 Durgawati P.S. Case No.30 of 2023,
registered for offences under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 279 litres of
illicit liquor from the car of the petitioner.

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 by referring to paragraph no.8 of the present petition



that on the alleged date and time of occurrence, the car of the petitioner had been borrowed by one Manish Kumar, for the purposes of taking her mother for treatment, however, the present unfortunate incident had taken place, instead. Thus, it is submitted that no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the petitioner is concerned.

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 specific averment made by the petitioner in the paragraph no.8 of the present petition, to the effect that on the alleged date and time of occurrence, the car of the petitioner had been borrowed by one Manish Kumar and the petitioner was not driving the car, apart from the fact that no illicit liquor has been recovered from the petitioner, thus 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 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 C.J.M., Kaimur at Bhabua, in connection with Durgawati 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)

Saurav/-

U		T	
---	--	---	--

