

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68132 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Sanatan Singh @ Santan Singh @ Karu Singh @ Santan Kumar @ Sanatan Kumar Son of Vijay Singh @ Bijay Singh Resident of Village - Iniyar (Iniar), Ward No.11 Danauli, Phulwaria, P.S. - Muffasil (Lakho O.P.), District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-10-2024 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 Excise Complaint Case No. 27C2 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The allegation is regarding recovery of 459 liters of illicit liquor from a straw hut, situated near the house of the accused persons.

4. The learned counsel for the petitioner submits 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 the straw hut is situated in an open place, hence, the possibility of illicit



liquor having been planted cannot be ruled out. It is also submitted that the petitioner has been roped in the present case merely because the father of the petitioner had been arrested by the police in connection with the said incident, nonetheless, he has already been granted the privilege of regular bail by this Court by an order dated 10.12.2021, passed in Criminal Miscellaneous No. 31530 of 2021. Lastly, it is submitted that since neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the premises where straw hut is situated belongs exclusively to the petitioner, the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, shall not be an impediment to grant anticipatory bail to the petitioner herein.

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 the straw hut is situated in an open space, the premises where the straw hut is situated does not exclusively belong to the petitioner, inasmuch as the said premises is also being used by the coparceners and other family



members of the petitioner and no illicit liquor has been recovered from the conscious possession of the petitioner, this Court finds that prima facie, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, the bar under Section 76(2) shall not be an impediment to grant of anticipatory bail to the petitioner, apart from the fact that the father of the petitioner has already been granted the privilege of bail in the same case 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 today, 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 Judge-II, Begusarai, in connection with Excise Complaint Case No. 27C2 of 2021, 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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