

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77528 of 2024

Arising Out of PS. Case No.-376 Year-2019 Thana- JAKKANPUR District- Patna

Munna Kumar @ Munna @ Kabadiwala S/o Jatan Sao R/o Punpun Bazaar,
P.S.- Punpun, Dist.- Patna. At present- Near Gas Godam, Ramkrishna Nagar,
P.S.- Ramkrishna , Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Srivastva, Adv.

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 22-11-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Jakkanpur P.S. Case No. 376 of 2019 (Special Case No. 5630 of 2019), registered for the offences punishable under Sections 272, 273, 120B of the Indian Penal Code and Sections 30(a)/38/41 of the Bihar Excise Act, 2016.
3. The allegation is regarding recovery of 106.200 liters of illicit liquor from the garage situated in the premises of one Writer Business Service Private Limited and the co-accused person, namely, Monu Kumar was arrested, who is said to have disclosed about the petitioner being his accomplice.
4. The learned counsel for the petitioner has submitted



that the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that neither any illicit liquor has been recovered from the possession of the petitioner nor from his house, muchless from his premises and he has been falsely implicated upon false and incorrect disclosure made by the co-accused person, namely, Monu Kumar, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted, thus, there is no impediment in granting anticipatory bail to the petitioner. The learned counsel for the petitioner has also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Court as well as by co-ordinate Benches of this Court, vide orders dated 17.01.2020, 09.01.2020 and 03.12.2019, passed in Cr. Misc. No.79755 of 2019, Cr. Misc. No. 62679 of 2019 and Cr. Misc. No.55021 of 2019.

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, coupled with the fact that no recovery has been made either from the possession of the petitioner or from



his house, this Court is of the view that a bare reading of the FIR does not prima facie constitute any offence punishable under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the petitioner is concerned, hence the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2019 shall not be an impediment for grant of anticipatory bail to the petitioner, hence, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Patna, in connection with Jakkanpur P.S. Case No. 376 of 2019 (Special Case No. 5630 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

sonal/-

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

