

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80427 of 2024

Arising Out of PS. Case No.-295 Year-2021 Thana- BEUR District- Patna

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Mukesh Kumar Singh Son of Late Ram Prasad Singh Resident of Road No.-
13B, Rajendra Nagar, Near Gurukul Coaching, P.S.- Bahadurpur, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Chandra, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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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. The petitioner seeks anticipatory bail in
connection with Beur PS case no. 295 of 2021, instituted for
the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

3. The allegation is regarding recovery of 150 liters
of illicit liquor from a Wagon-R vehicle and 10 liters of illicit
liquor from a motorcycle after the police had apprehended the
said vehicles and conducted search.

4. The learned counsel for the petitioner has
submitted that the petitioner is innocent and has been falsely
implicated in the present case. The learned counsel for the



petitioner has further submitted that though the petitioner was implicated in one another criminal case, however, the police has already submitted the final form finding the said case to be false qua the petitioner herein. The learned counsel for the petitioner has also submitted that the petitioner has merely been implicated in the present case on the ground that the vehicle in question i.e. Wagon-R, is registered in the name of the petitioner, however, the learned counsel for the petitioner has referred to paragraph no. 7 of the present petition to submit that the petitioner had sold the said vehicle to one Sonu Kumar in the year, 2018 itself, i.e. much before institution of the FIR in question and a sale letter to the said effect was also executed on 23.04.2018, thus the petitioner is not having any complicity in the matter, more so, since he has neither been arrested from the spot nor any illicit liquor has been recovered from his conscious possession, thus, the provisions of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner.

5. Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record, this Court finds that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner has been arrested from the spot and as far as the vehicle in question is concerned, it has been categorically averred in the present petition that he had sold the same to one Sonu Kumar in the year, 2018, itself, hence this Court finds that prima facie the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for 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 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 Court of Special Judge, Excise-I, Patna in connection with Beur PS case no. 295 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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