

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10878 of 2025

Arising Out of PS. Case No.-204 Year-2019 Thana- KOPA District- Saran

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Ankit S/o- Satpal Resident of Village- Nool Nool Nool Sampala Chudani
Asanda (23), P.S.- Bahdurgarh, District- Jhajjar (Haryana),

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-03-2025 Heard the learned counsel for the petitioner and learned
APP for the State.

2. This is an application for grant of anticipatory bail in
connection with Kopa P.S. Case No.204 of 2019, registered for
offences under Sections 272/273/120-B of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

3. The allegation is regarding recovery of huge quantity of
illicit liquor from a truck which was intercepted by the Police
and upon the co-accused persons being apprehended and
interrogated, it transpired that the illicit liquor was to be
supplied to the petitioner and others.

4. The learned counsel for the petitioner has submitted that
the petitioner is innocent and he is having a clean antecedent.



The learned counsel for the petitioner has further submitted that the petitioner is neither the owner nor the driver of the container/truck in question from which illicit liquor has been recovered and he has been falsely implicated in the present case on the basis of the disclosure made by the arrested persons, namely Navin Singh and Brahm Prakash. It is also submitted that no illicit liquor has been recovered from the possession of the petitioner, muchless from his house, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. It is next submitted that similarly situated co-accused Hari Om Sah has already been granted the privilege of regular bail by this Court, vide order dated 07.01.2020, passed in Cr.Misc. No.85467 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 parties and taking into account the materials available on record, this Court finds that the petitioner is neither the owner nor the driver of the container/truck in question, apart from the fact that no illicit liquor has been recovered from the possession of the petitioner muchless from his house, hence *prima facie* no



offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, thus 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, therefore, 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 six 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 Additional District & Sessions Judge 2nd -cum- 1st Exclusive Special Judge Excise- Saran Chapra, in connection with Kopa P.S. Case No.204 of 2019, 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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