

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8883 of 2020**

Arising Out of PS. Case No.-668 Year-2019 Thana- PIRBAHOR District- Patna

VINAY KUMAR S/o Virendra Kumar Resident of Village- A Block Staff  
quarter, P.M.C.H. Patna, P.S.-Pirbahore, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      29-02-2020                      Heard the learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
Pirbahore P.S. Case No. 668 of 2019 for the offence registered  
under Section 30(a) of the Bihar Prohibition (Excise) Act, 2016.

The allegation is regarding recovery of 4.77 liters of  
illicit liquor from the roof of A Block staff quarter of  
P.M.C.H.,Patna.

The learned counsel for the petitioner has submitted that  
the petitioner has been falsely implicated in the present case, he is  
having a clean antecedent and has got no complicity in the matter.  
It is further submitted that the roof of the staff quarters of any  
Block is accessible by anyone, hence the possibility of the illicit  
liquor being kept by an outsider cannot be ruled out. Lastly, it is  
submitted that neither any recovery has been made from the



conscious possession of the petitioner nor from inside his quarter, hence the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Pirbahore P.S. Case No. 668 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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