

**In the Court of Arun Kumar Sharma, Exclusive Special Judge Excise
Excise Court No. II, Bhojpur, Ara
Arising out of Udwantnagar P.S Case No. 511 /2022**

A.B.P. No. 3359/2022

Jata Shankar @ Jhotala Versus State

Present:

**Ld. Spl. P.P. Sri Jugeshwar Prasad for the State
Ld. Counsel Sri Dhruv Nath Singh for the accused/ petitioner**

21.12.2022

1. The present anticipatory bail application is filed on behalf of petitioner/accused Jata Shankar @ Jhotala related with the case U/s 30(a) of Bihar Prohibition and Excise Act 2018.
2. Brief fact of the case is that the petitioner/accused was booked for the offence as u/s 30(a) of Bihar Prohibition and Excise Act for recovery of 35 litre illicit liquor from the spot.
3. The learned advocate for the petitioner has submitted that the petitioner has been falsely implicated and denied the allegation as alleged in the case and further submitted that nothing has been recovered from the possession of the petitioner and petitioner having no criminal antecedents.
4. The learned S.P.P. has strongly opposed the anticipatory bail application and has submitted that petitioner has committed the offence u/s 30(a) Bihar Prohibition and Excise Act for recovery of 35 litre illicit liquor from the spot. There is sufficient material available against the petitioner. He has also submitted that as per the provision of Section 76 of Bihar Prohibition and Excise Act, 2018, the present anticipatory bail application is not maintainable and is liable to be dismissed.
5. Having heard both the parties and perused the record. From perusal of record it transpires that petitioner is named accused in the FIR and as per seizure list 35 litre illicit desi liquor was recovered from the spot. Co-accused who was arrested from the has disclosed the name of the petitioner. Investigation is going on. Considering the above fact and circumstances and submissions made by the Ld. Spl P.P. as well as gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner, hence the present anticipatory bail petition is hereby rejected.

Dictated and Corrected

Exclusive Special Excise Court-II
Bhojpur, Ara
Dated- 21.12.2022

