

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4213 of 2018

Arising Out of PS.Case No. -167 Year- 2017 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Ramakant Ray S/o Sarwanand Ray. Resident of Village-Mohaddipur, P.S.-
Chiraiya, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Chiraiya P.S. Case No. 167 of 2017 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 8.4 liters of illicit
Nepali Saufi liquor from the bushes situated at 10 yards from the
house of the petitioner.

The learned counsel for the petitioner submits that
neither the said place from where recovery has been made,
belongs to the petitioner nor any recovery has been made from the
conscious possession of the petitioner. The petitioner is said to be
having a clean antecedent. It is further submitted that no case



appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six 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 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 167 of 2017 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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