

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3230 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- GORAU District- Vaishali

Ranjit Ray, Aged about 34 years, (Male), son of Late Nagendra Ray Resident of Village - Mathana Milk Urf Mathna Bhim, P.S. Goraul (O.P. Katahara), District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anish Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 323, 324, 225, 353, 504 of the Indian Penal Code; Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Section 4 of the Prevention to Damage of Public Property Act, 1984 registered in connection with Goraul P.S. Case No. 51 of 2018.

3. It is submitted that the petitioner has been falsely implicated and he was not a member of the mob which had allegedly helped the arrested persons in escaping nor has he damaged any public property. It is further submitted that as regards the accusation under the Bihar Prohibition and Excise Act, 2016, there is no whisper about the accusation against the petitioner of having committed any offence thereunder.

4. Ordinarily, an anticipatory bail petition in relation to the offence under the Bihar Prohibition and Excise Act, 2016 is not maintainable. However, where, on the basis of the statements in the first information report, the ingredients of the offence alleged against



a person are not made out, as observed by a Division of this Court in Cr. Misc. No. 21578 of 2017 (*Manish Kumar @ Lokesh Kumar Vs. The State of Bihar*) and analogous cases, there would be no bar to the grant of anticipatory bail.

5. Learned APP has not pointed out any material in the FIR alleging any offence said to have been committed by the petitioner in order to attract the provisions of the said Excise Act.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 51 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

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(Vikash Jain, J)

