

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4705 of 2019

Arising Out of PS. Case No.-280 Year-2018 Thana- KALYANPUR District- East Champaran

Firoj Rai @ Mishri Rai, aged 25 years (M), Son of Adalat Rai, Resident of
Village - Jamunapur, P.S.- Kalyanpur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a) and 33 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that on a secret
information, that liquor is being prepared, the raid was laid by
the informant, being the police official, when three accused
persons including the petitioner was found preparing the illicit
liquor, but on seeing the police, the petitioner managed to
escape from the scene and from there, 40 litres of spirit and



other articles were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. It is further submitted that only spirit was recovered, which demolishes the accusation of manufacturing illicit liquor, that too has been recovered from a bush, which gets reflected from the seizure list. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that accusation is specific against the petitioner.

Considering the fact that materials on record suggest that recovery has been made from a bush, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 280 of 2018, subject to the



condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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