

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9083 of 2019

Arising Out of PS. Case No.-623 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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RAVI KUMAR, Son of- Rajmohan Yadav @ Raj Mohan Raut, Resident of
village-L.R.P. Colony, P.S. Motihari Town, District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-02-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Excise Case No. 623 of 2018, disclosing offences under Sections 272/273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

From behind the house of the petitioner, the Excise Officials recovered 18.450 litres of illicit liquor. Based on the information, which the Police gathered from local people, the petitioner has been implicated.

Learned Counsel appearing on behalf of the petitioner has submitted that there is no apparent valid basis for implicating this petitioner only on the ground that the recovery



was made from behind the house of the petitioner. The place from where the liquor has been recovered does not belong to the petitioner and at least, the same has not been mentioned in the First Information Report. The persons who are said to have disclosed the name of this petitioner have also not been described.

I am satisfied with the submission, on perusal of the First Information Report, that *prima facie* no offence can be said to be made out on the basis of what has been alleged in the First Information Report.

Considering the above, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII -cum-Special Judge, Excise, Motihari, East Champaran, in connection with Excise Case No. 623 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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