

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13016 of 2019

Arising Out of PS. Case No.-346 Year-2018 Thana- RIVILGANJ District- Saran

Munar Rai Son of Late Ram Ishwar Rai Resident of Village- Sengar Tola,
P.S.- Revilganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 15-07-2019 The petitioner apprehends his arrest in connection with Revilganj P.S. Case No. 346 of 2018 registered under Sections 272, 273 of the Indian Penal Code and Sections 30(a) and 38 of the Bihar Prohibition & Excise Act, 2016.

The allegation against the petitioner is that the police party got a secret information that petitioner along with other accused persons were preparing illicit liquor and selling the same near the *Saryu* river, search was made and the police recovered 100 liters of country made liquor and the place, from where recovery was made, belongs to other, which was kept in Jerrycan. It has further been alleged that five liters of illicit liquor belongs to the petitioner.

Learned counsel for the petitioner submits that allegation against the petitioner is completely false and



concocted inasmuch as the petitioner has falsely been implicated with oblique motive by the police, he further submits that recovery of merely five liters of illicit liquor is made from the *Bhatti* of the petitioner, allegedly situated near the bank of Saryu river. Learned counsel for the petitioner submits that recovery has been made from the public place and not from the conscious possession of the petitioner or the premises belonging to the petitioner, as such, petitioner has not committed any offence under the Excise Act.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from the premises of the petitioner, as such, upon perusal of the First Information Report and the seizure list, no *prima facie* case made out against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise)-cum-6th Additional Sessions Judge, Saran at Chapra in connection with Revilganj P.S. Case



No. 346 of 2018; subject to condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Sujit/
S. Katyayan/-

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