

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24415 of 2019

Arising Out of PS. Case No.-197 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

AJAY RAI Son of Dharikshan Ray Resident of Village - Dharampur, P.S.-
Meenapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr.Ram Bachan Singh

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Excise Case N0. 197 of 2018 arising out from PR No. 37 of 2018, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Though offence under Section 30 (a) of the Bihar Excise Act has been levelled in the prosecution report lodged by Excise Inspector, learned counsel appearing on behalf of the petitioner has submitted that there is absolutely nothing in the prosecution report, which can be said to be constituting offence punishable under the said section of the Excise Act. It is true that the prosecution report discloses seizure of huge quantity of foreign liquor from two vehicles, allegation against the



petitioner is that he along with his accomplices managed to flee away from the place of occurrence taking advantage of darkness. There is nothing in the prosecution report which indicates that the petitioner was identified by anyone including excise officials.

I am *prima facie*, satisfied that what has been alleged in the police report itself cannot be said to be constituting offence under section 30(a) of the Excise Act against this petitioner. The petitioner is, however, apprehending arrest on the essence of the said section of the Excise Act.

Considering the above submission, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Special Judge, Excise Act, Muzaffarpur in Excise Case No. 197 of 2018 arising out from P.R. No. 37 of 2018, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

