

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32570 of 2019

Arising Out of PS. Case No.-539 Year-2018 Thana- DUMRA District- Sitamarhi

Ravi Kumar, S/o Sanehi Rai @ Snehi Ray R/o Village- Vishawanathpur, P.S.-
Dumara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Dumra P.S. Case No. 539 of 2018 registered under Sections 272 and 273/34 of the Indian Penal Code read with Section 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner in the FIR lodged by the SHO is that upon getting secret information, police party raided near Vishwanathpur Chowk and upon seeing the police party, one person tried to flee away and after chase, police caught hold the person from whose possession 06 pieces of Royal Stag Delux Whisky, each containing 180 ml, in total 1.080 litres, was recovered who disclosed his name as Rajesh Rai. It has further been alleged that Rajesh Rai disclosed the name of petitioner before the police.



Submission of learned counsel for the petitioner is that petitioner is innocent and has got no criminal antecedent and his name has come on the basis of statement made by co-accused who was arrested by the police along with seized liquor. He further submits that no liquor was recovered from the conscious possession of the petitioner and accordingly, no *prima facie* case is made out against him.

After having heard both sides and perusal of materials available on record, it appears that no recovery was made from the conscious possession of the petitioner and on the contrary, one person, who was carrying the liquor, was arrested by the police who disclosed the name of the petitioner before the police. From perusal of the FIR, no *prima facie* offence under the Excise Act is made out against the petitioner. Accordingly, I am inclined to grant privilege of 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 Additional District Judge-II-Cum-Special Judge, Excise Act, Sitamarhi in connection with Dumra P.S. Case No. 539 of



2018; subject to condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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