

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36574 of 2019

Arising Out of PS. Case No.-167 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Krishna Rai, Son of Rupnandn Rai, Resident of Village - Sadha Dumbar Pani
Tanki, P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mrs.Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Motipur P.S. Case No. 167 of 2019
registered for the offences punishable under Sections 30(a),
38(1)(2) and 41(1)(2) of the Bihar Prohibition and Excise Act,
2016.

Learned counsel for the petitioner submits that the
illicit liquor has been recovered from the house of one Mohan
Rai with whom this petitioner has no relationship. The petitioner
is not even a co-villager of the said Mohan Rai and he has got
clean antecedent. Learned counsel further submits that the
petitioner has been falsely implicated in this case by making an
allegation that the illicit liquor was brought to the house of
Mohan Rai by this petitioner. It is further submitted that when



the police raided the house of Mohan Rai, this petitioner was not found there and as such there is no prima-facie material to support the allegations against the petitioner.

Learned APP for the State is present and has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case where the petitioner who has no criminal antecedent has been involved only by alleging that he had brought the illicit liquor to the house of Mohan Rai, but the fact remains that there is no allegation of his being there in the house of Mohan Rai and the recovery has not been made from the house of the petitioner, let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 167 of 2019, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

arvind/-

(Rajeev Ranjan Prasad, J)

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