

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36681 of 2019**

Arising Out of PS. Case No.-231 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Rajiv Kumar, Son of Omprakash Saw @ Ompakash Saw, Resident of Village
- English, Ward No. 4, P.S.- Lakhisarai, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-06-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Lakhisarai P.S. Case No. 231 of 2019
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that so far
as this petitioner is concerned, he is running a Kirana shop and
nothing wrong has been recovered from the Kirana shop of the
petitioner. As per the allegations, there was a hut of bamboos
and straws behind the Kirana shop of this petitioner in which the
illicit liquor was being sold and in course of raid when the
police reached there people started fleeing away and one Amit
Kumar, who happens to be the brother of this petitioner, was



apprehended by the police. The FIR was lodged by the Sub-Inspector of Police in his own pen and while drawing the FIR the name of this petitioner has also been falsely implicated alleging that his brother had also disclosed the name of this petitioner. Learned counsel submits that this petitioner has no criminal antecedent and is earning his livelihood by running the Kirana shop only.

Learned APP for the State has though opposed the prayer for anticipatory bail, however, from the seizure list it is shown that the recovery of illicit liquor is from the hut situated behind the Kirana shop and not from the shop premises of the petitioner.

In the given facts and circumstances of the case, considering the fact that the illicit liquor has not been recovered from the Kirana shop of the petitioner and that he has no criminal antecedent, 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 Additional District & Sessions Judge-IIInd-cum-Special Judge (Excise), Lakhisarai in connection with Lakhisarai P.S. Case



No. 231 of 2019, subject to the condition prescribed under
Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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