

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43379 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

RAJ KUMAR RAI @ CHULHAI RAI Son of Ramsevak Rai Resident of
Village - Mahpur, P.S.- Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bochahan Police Station Case No. 132 of 2019, disclosing offences under Sections 272/273/34 of the Indian Penal Code and Sections 30(a), 32 (ii) and 38 (ii) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the Police got a secret information that at the door of the petitioner, huge amount of illicit liquor are being unloaded from a pickup van, and when the Police reached at the door of the petitioner, four persons fled away on seeing the Police and the Police recovered 1171.2 litres of illicit liquor from the sid pickup van.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case and he has got no criminal antecedent. He further submits that the pickup van, from which the illicit liquor is alleged to have been recovered does not belong to the petitioner and the petitioner is neither the owner nor the driver of the pickup van, in question. The name of the petitioner has surfaced on the basis of the secret information, as alleged. He, accordingly, submits that no *prima facie* case is made out against the petitioner, on perusal of the First Information Report.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession, premises or the vehicle of the petitioner, in my opinion, no *prima facie* case is made out against the petitioner, under the provisions of the Excise Act. Accordingly, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Raj Kumar Rai @ Chulhai Rai, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Special Judge, Excise, Muzaffarpur, in connection with Bochahan Police Station Case



No. 132 of 2019, subject to the condition 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
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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