

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39831 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- MOTIPUR District- Muzaffarpur

SUBODH RAI @ SUBOD KUMAR Son of Bhola Rai Resident of village
Mahana Road P.S. Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-07-2019 Heard both sides.

The petitioner apprehends his arrest in Motipur P.S. case No. 77 of 2019 registered under Section 30(a)/ 38 (1) (2)/ 41(1) (2) of the Bihar Prohibition & Excise Act.

The informant, S.H.O of Motipur P.S., alleged that he got information that Bhola Rai with his son Subodh Rai, the petitioner, and their accomplice Munna Singh and Manish Mishra had brought consignment of liquor and kept in the house of Munna Singh a raid was conducted and 454 liter of liquor was recovered from the house and other places of Munna Singh.

The learned counsel for the petitioner submits that Munna Singh has already been granted anticipatory bail by a coordinate bench of this court vide order dated 21.05.2019 passed in Cr. Misc. No. 24218 of 2019. The case of petitioner stands on better footing as nothing has been recovered from the possession of the petitioner and the informant has simply alleged that petitioner is also one of the accomplices of Munna Singh. It is further submitted that on same and similar allegation



the petitioner has been accused in Motipur P.S. case No. 76 of 2019 and 968 of 2018 in which also nothing has been recovered from the possession of petitioner rather recovery was made from the house of Brij Nandan Singh and Sunil Kumar Rai but the name of petitioner and others at the instance of SHO Motipur has been inserted.

Taking into consideration the facts that, of course, the petitioner is named in the FIR but recovery was made from the house of Munna Singh and on similar allegation the petitioner has been made accused in Motipur P.S. case No. 76 of 2019 and 968 of 2018, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. case No. 77 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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