

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41379 of 2019

Arising Out of PS. Case No.-968 Year-2018 Thana- MOTIPUR District- Muzaffarpur

SUBODH RAI @ SUBODH KUMAR, Son of Bhola Rai Resident of
Mohalla Sada Damber, Ward No. 12, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mrs.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Motipur P.S.Case No. 968 of 2018 registered under Sections 272 and 273 of the Indian Penal Code and 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

Allegation against the petitioner is that police, upon receiving information, raided the ice factory of Rup Nandan Rai and recovered in total 1535.760 litres illicit liquor.

Learned counsel for the petitioner submits that from perusal of FIR as well as seizure list, it appears that recovery has been made from the premises of Rup Nandan Rai and there is no recovery made from the premises of the petitioner. Accordingly, learned counsel submits that no *prima facie* case under the Excise Act is made out against the petitioner.



On the other hand, learned counsel for the State submits that petitioner has got criminal antecedents as such he does not deserve anticipatory bail .

In reply, learned counsel for the petitioner placed reliance upon order dated 02.07.2019 passed in Cr.Misc. No. 39831 of 2019 in connection with Motipur P.S.Case No. 77 of 2019 in which the petitioner has been made accused under Section 30(a) and other allied sections of Excise Act and the co-ordinate Bench of this Court has been pleased to grant anticipatory bail to the petitioner taking into consideration the pendency of other cases including the present case i.e., Motipur P.S.Case No. 968 of 2018.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession of the petitioner and same has been recovered from the possession of Rup Nandan Rai and upon perusal of the FIR as well as seizure list, no *prima facie* case is made out against the petitioner as such I am inclined to grant 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 Special Judge, Excise, Muzaffapur in connection with Motipur P.S.Case No. 968 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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