

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47862 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

Manager Rai, son of- Anarsi Rai, Resident of Village- Sandha, P.S.- Muffasil,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Muffasil P.S. Case No.87 of 2019 for the offence punishable
under Sections 272, 273/34 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the police upon secret information
raided near the Sandha Chaur and upon seeing the police party,
six persons who were standing there tried to flee away but
police apprehended one Babloo Rai, however, five persons
succeeded in fleeing away. It has further been alleged that
Babloo Rai disclosed the name of petitioner and others and
police recovered total quantity of 120 litres of country-made



liquor from the Chaur.

Learned counsel for the petitioner submits that petitioner is innocent having no criminal antecedent. He further submits that no recovery of illicit liquor has been made from the conscious possession or the premises belonging to the petitioner and from perusal of the First Information Report, it is evident that liquor has been recovered from the open chaur, which is not belonging to the petitioner. As such upon perusal of the FIR and seizure list, no prima facie case is made out against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



A.D.J.-XI-cum-Special Judge, Excise, Saran at Chapra, subject
to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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