

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48246 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Mahesh Ray, Son of Ram Jivan Ray @ Ram Jeevan Roy Resident of Village-
Jitwarpur Kharpura, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Samastipur Muffasil P.S. Case No.135 of 2019 for the offence
punishable under Sections 30(a), 32(2), 41(1) of Bihar
Prohibition of Excise Act.

The allegation against the petitioner as per the First
Information Report is that the police got information that three
persons have parked pick up van with liquor and they were
preparing to distribute it in nearby places. The police reached at
the place of occurrence and after seeing the police party, three
persons tried to flee away, out of them, two persons were
apprehended who disclosed their name as Sanjeev Kumar and



Sunil Kumar and further arrested persons disclosed the name of the petitioner who succeeded in fleeing away. Police recovered 1134 litres of foreign illicit liquor from the pick up van.

Learned counsel for the petitioner submits that petitioner has no criminal antecedent and has falsely been implicated at the behest of arrested co-accused persons. He further submits that in paragraph No.9, the petitioner has categorically submits that he has no concern with recovery of liquor and said pick up van. Learned counsel, accordingly, submits that on perusal of the FIR, 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 recovery has been made from conscious possession or the vehicle 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
Additional Sessions Judge-2nd -cum-Special Judge, Excise Act,
Samastipur, subject to the condition as mentioned under Section
438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

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