

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49335 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- RAJNAGAR District- Madhubani

AMIT RANA S/o Ramshevak Ray R/o village- Ekamma, P.S.- Rajnagar,
District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Rajnagar P.S. Case No. 135 of 2019, disclosing the offence under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that no offence can be said to be made out under Section 30(a) of Bihar Prohibition and Excise Act, 2016 even if the allegations made in the FIR are treated to be correct. On perusal of the FIR, it appears that allegedly the police received a secret information that the petitioner and others had brought huge quantity of illicit liquor from outside. Apart from the said secret information received, there is no allegation against the petitioner, though



recoveries have been made from the houses of other persons who have been named in the FIR, namely, Abdul Sheikh and Shrawan Choupal.

I find substance in the submission made on behalf of the petitioner that except secret information, which the police are said to have received regarding petitioner's involvement, there is absolutely no material in the First Information Report against him. In that background, I am *prima facie* satisfied with the submission that no offence can be said to be made out under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

This application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in Rajnagar P.S. Case No. 135 of 2019, subject to the condition as 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
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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