

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48740 of 2019

Arising Out of PS. Case No.-142 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Ranjeet Rai Son of Tuntun Rai Resident of Village- Susta, P.S.- Gaighat,
(Benibad O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard leaned counsel for the petitioner and leaned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with Gaighat (Benibad O.P.) P.S. Case No. 142 of 2019, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that upon secret information police proceeded towards the place of occurrence and recovered total quantity of 15.750 liters of illicit liquor from the husk house of the petitioner.

Mr. Anshu Dhar Sharma, learned counsel appearing for the petitioner submits that petitioner has got no criminal antecedent and has falsely been implicated in this case, inasmuch as the illicit liquor has not been recovered from the conscious possession of the petitioner and admittedly, the same has been recovered from the husk house of the petitioner which is situated out side of the house not



inside the house of the petitioner.

Learned counsel further submits that upon perusal of the first information report and the seizure list it is evident that husk house is situated in the open space, accordingly, the complicity of the petitioner in the said offence cannot be said and no prima facie case is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that liquor has not been recovered from the conscious possession of the petitioner and further, the petitioner has got no criminal antecedent, accordingly, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, in the event of arrest or surrende before the court below within a period of four weeks from today, 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 Special Judge, Excise, Muzaffarpur, in connection with Gaighat (Benibad O.P.) P.S. Case No. 142 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Rahul/-

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