

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50371 of 2019**

Arising Out of PS. Case No.-289 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Ashok Kumar @ Ashok Rai S/o- Late Moho Rai R/o- Village Taal Dashara
Garuara, P.S.- Mufassil, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-10-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Mufassil P.S. Case No. 289 of 2019
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that so far
as this petitioner is concerned there is no recovery of illicit
liquor from his house or possession. He has been made accused
only because the car of this petitioner was found standing in the
premises. No illicit liquor was kept in the said car.

Learned A.P.P. for the State has after perusal of the
case diary submitted that the illicit liquor was recovered from
the bathroom of the house of the co-accused Yugal Rai and there
is no such allegation either in the FIR or in the case diary



through any witness or in the seizure list that any illicit liquor was recovered in the car belonging to this petitioner.

Having heard learned counsel for the petitioner and learned A.P.P. for the State, since no illicit liquor has been recovered from the car of this petitioner and the illicit liquor is said to have been recovered from the house of Yugal Rai, let in the event of his arrest or surrender within a period of four weeks from today the petitioner abovenamed be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise Act), Samastipur in connection with Mufassil P.S. Case No. 289 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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