

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60711 of 2019

Arising Out of PS. Case No.-386 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAM PRAVESH YADAV @ RAM PRAVESH RAI @ KHEDAN Son of
Late Ganesh Rai Resident of Village - Mathurapur, P.S.- Turkauliya, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-10-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Turkauliya Police Station Case No. 386 of 2019,
disclosing offences under Section 30 (A) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the police upon secret information
that the petitioner and others have brought a consignment of
illicit liquor for selling, proceeded towards the place of
occurrence and upon seeing the police party, the petitioner and
others fled away, however the police recovered 123.84 litres of
illicit liquor from the bamboo cluster of the petitioner.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case on the basis of secret information inasmuch as the said illicit liquor has been recovered from an open space and not from the conscious possession or the house belonging to the petitioner. He further submits that upon perusal of the First Information Report and the seizure list, no *prima facie* case is made out against the petitioner under the provisions of the Act.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the house belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Ram Pravesh Yadav @ Ram Pravesh Rai, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge -cum- Special Judge, Excise, East



Champaran, at Motihari, in connection with Turkauliya Police
Station Case No. 386 of 2019, subject to the condition laid
down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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