

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55596 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- BHELDI District- Saran

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DHANANJAY RAY @ DHANAJAY RAY @ DHANJAY KUMAR @
BHOLI RAY Son of Sri Sheo Prasad Ray Resident of Village-Hakma, P.S.-
Bheldi, District-Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mrs.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 The petitioner apprehends his arrest in connection with

Bheldi P.S.Case No. 171 of 2019 registered under Sections 272
and 273 of the Indian Penal Code and 30(a) of the Bihar
Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the
police, on secret information that petitioner was indulged in sale of
illegal liquor, proceeded towards the house of the petitioner and
upon seeing the police party, two persons tried to fee away and out
of two, one Sikandar Kumar Yadav was apprehended by the
police, who disclosed the name of the petitioner. It is alleged that
from the possession of the arrested person, the police recovered 05
litres illicit country made liquor.

Learned counsel for the petitioner submits that petitioner is
innocent and has falsely been implicated in this case merely on the
basis of statement made by arrested co-accused and petitioner has



got no criminal antecedent and the illicit liquor has been recovered from the possession of the co-accused Sikandar Kumar Yadav and not from the house of this petitioner. He thus submits that from perusal of FIR as well as seizure list, it appears that no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 learned Additional District and Sessions Judge- 11th-cum- Special Judge, Excise, Saran at Chapra in connection with Bheldi P.S.Case No. 171 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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