

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55283 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- NAUBATPUR District- Patna

Rajendra Roy Son of Subba Roy Resident of Village - Gonawan, P.S.-
Naubatpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Naubatpur P.S. Case No. 232 of 2019, registered under Sections 420 and 188 of the Indian Penal Code and Sections 30(a), 38(1) and 38(2) of the Bihar Prohibition & Excise Act.

The allegation against the petitioner, as per FIR, is that the police raided near the land of one Binod Roy and on search, recovered 1522 liters of illicit liquor from the container standing on the land of Binod Roy.

Learned counsel for the petitioner submits that the petitioner has unnecessarily been dragged in this case due to political reasons, inasmuch as the petitioner was Ex-Mukhiya of the said village and right now his wife is Mukhia of the Naubatpur Panchayat. He further submits that the name of the



petitioner has come on the basis of statement of some of the persons standing near the place of occurrence and the container standing on the said land does not belong to the petitioner, which would be evident from the FIR. Learned counsel for the petitioner submits that neither the land nor the container, where the illicit liquor has been recovered, belongs to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the premises or vehicle owned by the petitioner, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender 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 learned Special Judge, Excise, Patna in connection with Naubatpur P.S. Case No. 232 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

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(Anil Kumar Sinha, J)

