

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66972 of 2019**

Arising Out of PS. Case No.-309 Year-2019 Thana- BASANTPUR District- Siwan

Piyarchand Ram Son of Late Muni Ram @ Munni Ram Resident of Village-  
Rajapur Malahi Tola, Police Station- Basantpur, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh  
For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

ORAL ORDER

2      27-11-2019                      Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with  
Basantpur P.S. Case No. 309 of 2019 registered for the offences  
punishable under Sections 272, 273, 308 of the Indian Penal  
Code and Section 30 (a) of Bihar Prohibition and Excise Act,  
2016.

The informant having got confidential information that  
petitioner was selling illicit liquor went near the place of  
occurrence and seized thirty litres country made liquor from a  
bush situated near the house of one Vishwanath Ram.  
Admittedly, neither petitioner was caught on the spot nor  
anything was recovered either from his possession or from his



house and furthermore, the name of petitioner was disclosed by spy of the police and not by any other witness.

Although, it is submitted on behalf of the prosecution that anticipatory bail in the case of Excise Act is not maintainable but in my view, when the offence of Excise Act does not appear to be prima facie made out against the petitioner, the anticipatory bail of the petitioner is maintainable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge cum Special Judge, Excise, Siwan in Basantpur P.S. Case No. 309 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

**(Hemant Kumar Srivastava, J)**

shahzad/-

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