

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 78883 of 2019**

Arising Out of PS. Case No.-385 Year-2016 Thana- SARAIYA District- Muzaffarpur

AMARJEET RAI @ AMARJEET @ AMARJEET KUMAR RAI, Son of
Udeet Rai Resident of Village- Mauna Bazar, Police Station- Chapra Town,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in a case registered under
Sections 272, 273, 420, 120B of Indian Penal Code and Sections
30 (a), 38, 41 of Bihar Excise & Prohibition Act, 2016 (for
brevity, *the Act*).

4338 liters of illicit foreign liquor is alleged to have
been recovered from a tanker. The persons arrested are said to
have disclosed petitioner's name as being one of the earlier
customers. It is on such allegations that petitioner has been
implicated in this case and is apprehending his arrest. There is
no alleged recovery from the petitioner and merely
because his name has come in the statement of co-accused, he is



apprehending his arrest. The petitioner has no criminal antecedent. It is submitted that having regard to the facts, no case whatsoever is made out under the provisions of the Act.

Learned APP for the State, referring to Section 76 (2) of the Act, has opposed the prayer.

Considering the rival submissions and the fact that similarly situated co-accused Ajay Sah @ Ajay Kumar has already been allowed anticipatory bail by this Court in Cr Misc No 40939 of 2018, this Court, for the limited purpose of anticipatory bail, is inclined to accept the submission of petitioner's counsel.

Let the petitioner above named, in the event of his arrest or surrender, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Saraiya Police Station Case No 385 of 2016 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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