

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83029 of 2019**

Arising Out of PS. Case No.-67 Year-2019 Thana- HATHAURI District- Muzaffarpur

Bablu Rai Son of Mohan Ray Resident of Village - Shahbazpur, P.S.-  
Hathauri, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajiv Ranjan

For the Opposite Party/s : Mr. Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

2      16-12-2019                      Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner apprehends his arrest in connection with  
Hathauri P.S. Case No. 67 of 2019 registered for the offence  
punishable under Sections 272, 273 and 120(B) of the Indian  
Penal Code and Sections 30(a), 38(i)(ii) of Bihar Prohibition &  
Excise Act-2016.

2797.56 lts. of foreign liquor is said to have been  
recovered from the orchard of Lichi unloaded there by the four  
named accused persons, who managed to escape but, were  
identified by the local Chowkidar in the course of escaping.

It is submitted by learned counsel for the petitioner  
that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery or with any trade of liquor. He has been falsely implicated in this case by the Chowkidar due to animosity. There is violation of Section 100 Cr.P.C. No offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Hathauri P.S. Case No. 67 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Prakash Chandra Jaiswal, J)**

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