

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2296 of 2020

Arising Out of PS. Case No.-117 Year-2019 Thana- PURNAHYA District- Sheohar

RAMLAKHAN RAY Son of Late Gopal Ray Resident of Village - Asogi
Chhapra Dhani, P.S.- Purnahia, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Purnahia P.S. Case No. 117 of 2019, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 6.600 liters of illicit liquor from the hay house of one Jitendra Rai and the petitioner's name has transpired in the case on the basis of statement made by the mother of Jitendra Rai, regarding the petitioner having kept the said illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner is having a clean. It is further submitted that neither any recovery has been made from the



conscious possession of the petitioner nor from his house, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted, thus, there is no impediment in grant of anticipatory bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that no recovery of illicit liquor has been made from the petitioner and prima facie, no case is made out upon a bare perusal of the FIR, for the purposes of considering the present petition, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge cum Special Judge 1st, Sheohar in connection with Purnahia P.S. Case No. 117 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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