

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3878 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- PIPRA District- East Champaran

PRASAD RAM Son of Nathuni Ram Resident of Village - Bediban
Madhuban Tirtha Tola, P.S.- Pipara, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hans Lal Kumar
		Mrs. Ranjana Srivastava
For the Opposite Party/s :		Mrs.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Pipra P.S. Case No. 233 of 2019 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of three litres of illicit liquor from a shop situated in a hut on the roadside. It is alleged that the shop belongs to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and the fact is that the said hut does not belong to the petitioner. It is further submitted that the petitioner is having a clean antecedent and has been falsely implicated in the present



case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner, coupled with the fact that the hut does not belong to the petitioner, this Court is *prima facie* of the view that no offence under the provisions of the Bihar Prohibition and Excise Act, 2016 are made out as far as consideration of the case of the petitioner for bail is concerned, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 IXth Additional Sessions Judge-cum-Special Judge, Excise Act, East Champaran, Motihari in connection with Pipra P.S. Case No. 233 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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