

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8921 of 2020**

Arising Out of PS. Case No.-317 Year-2019 Thana- SARAIYA District- Muzaffarpur

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Raja Rai @ Raj Kumar Ray Son of Vinod Rai Resident of Village - Basantpur
Patti, Malang Chowk, P.S.- Saraiya, Distt - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Shyameshwar Kumar Singh, Adv.
For the Opposite Party : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection with Saraiya P.S. Case No. 317 of 2019 for the offence punishable under Sections 272, 273, 414/34 of the Indian Penal Code and under Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 72 liters of illicit liquor from a truck standing near Basantpur Patti graveyard and the accused persons including the petitioners are stated to have fled away after seeing the police.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and though he has been made



accused in one other case but he has been implicated in the said case only after filing of the present case. It is further submitted that neither the truck belongs to the petitioner nor he has got anything to do with the illicit liquor as averred in paragraph 7 of the present petition. Lastly, it is submitted that since no recovery of illicit liquor has been made either from the conscious possession of the petitioner or from his vehicle or from his house, hence, provisions of Bihar Prohibition and Excise Act, 2016 are not attracted.

The learned APP for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, I deem it fit and proper to direct for release of the petitioner on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/-(rupees ten thousand) with two sureties of the like amount to the



satisfaction of learned Special Judge, Excise, Muzaffarpur with
Saraiya P.S. Case No. 317 of 2019, subject to the conditions laid
down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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