

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8923 of 2020**

Arising Out of PS. Case No.-593 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Sanjiv Rai Son of Jiya Lal Yadav @ Jiya Lal Rai Resident of Village -
Mohhamadpur, P.S. - Paroo, District - Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sri Krishna Ranjan, Adv.

For the Opposite Party : Mr.Narendra Kumar Singh, APP

**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 Sadar P.S. Case No. 593 of 2019 for the offence punishable
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 584 litres of
illicit beer from a Scorpio vehicle not bearing any registration
number. The driver of the Scorpio vehicle was arrested and he
had disclosed that the petitioner is the owner of the vehicle.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, is having no complicity in the
matter and though he has been involved in two other criminal
cases but is on bail in the said two cases. The learned counsel



for the petitioner has referred to paragraph No. 8 of the present petition to state that the petitioner is not the owner of the vehicle. Lastly, it is submitted that since no recovery of illicit liquor has been made either from the conscious possession of the petitioner nor from his vehicle or from his house, the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case and 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 Sadar P.S. Case No. 593 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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