

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8739 of 2020

Arising Out of PS. Case No.-203 Year-2019 Thana- BARURAJ District- Muzaffarpur

Mohan Rai @ Mohan Kumar Rai S/O Late Ramekbal Rai Resident of Village
- Mehendi Nagar, Bankat, P.S. - Baruraj, District - Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Baruraj P.S. Case No. - 203 of 2019 for the offence punishable under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2.97 liters of illicit liquor from the house of co-accused person, namely, Md. Khurshid, and upon investigation the name of the petitioner has transpired in the present case.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and the fact is that no recovery of illicit liquor has been made either from the conscious possession of the petitioner



or from his house, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account the fact that no prima facie case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, qua the petitioner herein, I deem it fit and proper to grant anticipatory bail to the petitioner.

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/- with two sureties of the like amount to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Baruraj P.S. Case. No. 203 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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