

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8871 of 2020

Arising Out of PS. Case No.-165 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

JIWAN RAJAK @ NANHAKI @ NAHHAKI S/o Bhola Rajak R/o village-
Imamganj, Dhobi Tola, P.S.- Nagar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Excise Case No. 165 of 2019 arising out of P.R. No. 52 of 2019
for the offence registered under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 324.115 liters of
illicit liquor from the house of co-accused, namely, Rakesh
Dhawan.

It is alleged that the petitioner is also one of his
accomplice.

The learned counsel for the petitioner has submitted that
the petitioner is innocent and is having a clean antecedent and has
been falsely implicated in the present case. It is further submitted
that admittedly the illicit liquor has neither been recovered from
the conscious possession of the petitioner nor from the house of



the petitioner but from the house of the co-accused Rakesh Dhawan, hence the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein are not attracted.

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 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

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 Special Judge, Excise, Muzaffarpur in connection with Excise Case No. 165 of 2019 arising out of P.R. No. 52 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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