

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8885 of 2020

Arising Out of PS. Case No.-284 Year-2019 Thana- BAIRIYA District- West Champaran

Ravi Patel @ Ravi Prasad S/o Prabhu Patel @ Prabhu Prasad R/o village-
Sansaraiya, Tola Sonssaraiya, P.S.- Bettiah, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Sucheta Yadav

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 Bairiya P.S. Case No. 284 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 4.900 liters of illicit liquor from besides the canal situated in the village.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and is having a fair antecedent inasmuch as he is an accused in one other case but he is on bail in the said case and has got nothing to do with the alleged occurrence. It is further submitted that since no recovery has been made from the conscious possession of the petitioner or from his house, 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, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 284 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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