

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9095 of 2020

Arising Out of PS. Case No.-211 Year-2019 Thana- MAKER District- Saran

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1. ARUN RAI Son of Late Seth Rai Resident of Village - Dihi Siroman, P.S.-
Maker, District- Saran At Chhapran
 2. Md. Azad Son of Md. Jalil @ Bholi Resident of Village - Pir Maker, P.S.-
Maker, District- Saran At Chhapran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2020 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Maker PS case no. 211 of 2019 registered for
the offences punishable under Sections 272, 273, 414, 120(B) of
Indian Penal Code and Sections 30, 30(a) of Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of huge
quantity of illicit liquor from a truck which was being unloaded
and when the accused persons were apprehended, they had also
named the other co-accused persons who had fled away
including the petitioners herein.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they are having clean antecedent and it has been stated categorically in paragraph no. 12 of the present petition that they are neither the owner of the illicit wine nor the truck, hence it is submitted that since no illicit liquor has been recovered either from the conscious possession of the petitioners or from their vehicle or from their house, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioners as also taking in account the fact that *prima facie*, no case is made out as against the petitioners herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like



amount each to the satisfaction of learned 2nd Additional Judge-
cum-Special Judge, Excise Act, Saran at Chhapra in connection
with Maker PS case no. 211 of 2019 subject to the conditions as
laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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