

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14587 of 2020

Arising Out of PS. Case No.-654 Year-2019 Thana- MAHUA District- Vaishali

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RAMESH RAI @ RAMESH KUMAR RAI S/o Ram Lagan Rai Resident of
Village- Mahua Ram Rai, P.S.- Mahua, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand

For the Opposite Party/s : Mr.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Renu Kumari, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Mahua P.S. Case No. 654 of 2019 registered for the offence punishable under Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition & Excise Act, 2018.



The allegation is regarding recovery of 4365 liters of illicit foreign liquor from a truck and the petitioner is stated to be the person, who had fled away from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that neither any recovery has been made from the conscious possession of the petitioner nor the police has arrested him from the spot and without any rhyme or reason, the petitioner has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that neither the petitioner has been arrested from the spot nor any recovery has been made, as far as the illicit liquor



is concerned either from the vehicle of the petitioner or from the house of the petitioner and the petitioner is stated to be having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 654 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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