

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26348 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- WAJIRGANJ District- Gaya

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RAM BILASH CHAUDHARY @ RAMVILASH CHAUDHARI @
RAMVILASH CHAUDHARAY S/o Rampravesh Chaudhari Resident of
Village- Manaini, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Manoj Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 21-10-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

This application, for grant of anticipatory bail, arises
out of Wazirganj Police Station Case No. 36 of 2020, disclosing
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation, as per the First Information Report, is
that the police, on secret information, arrived at the place of
occurrence and found that three persons were keeping illicit
liquor on a motorcycle and upon seeing the police party, they
started fleeing away, but out of three, two persons were
apprehended by the police while the third person succeeded in



fleeing away and the arrested co-accused persons disclosed the name of the petitioner who succeeded in fleeing away. The police seized the motorcycle and recovered 30 litres of illicit liquor from the motorcycle, bearing registration no. BR 02AR/0416.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of the statement made by co-accused persons. He further submits that the petitioner has got no criminal antecedent and referring to paragraph 8 of this application, he submits that the motorcycle, in question, does not belong to the petitioner. He further submits that no illicit liquor has been recovered either from the conscious possession of the petitioner or the vehicle belonging to him and from perusal of the First Information Report and the seizure list, no *prima facie* case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that seized motorcycle does not belong to the petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail 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, Gaya, in connection with Wazirganj Police Station Case No. 36 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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