

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24360 of 2020**

Arising Out of PS. Case No.-680 Year-2019 Thana- SARAIYA District- Muzaffarpur

SANTOSH RAY @ BHOLA RAY Son of Sitaram Ray, Resident of Village-
Khaira, P.S.- Saraiya (Jaintpur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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

2 30-09-2020 Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Mithilesh Kumar Khare, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Saraiya (Jaintpur O.P.) P.S. Case No. 680 of 2019 registered for the offence punishable under Section 272 , 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that Police got secret information that the petitioner along with other accused person was carrying the consignment of illicit liquor, proceeded towards the place of occurrence and saw that two persons riding on motorcycle were coming and one Pick-Up Van was also behind them. When the Police Party tried to stop the persons



riding on the motorcycle, they started fleeing away and succeeded in the same, however Police arrested one Avinash Kumar i.e. the driver of the Pick- Up Van and recovered a total quantity of 369 liters of illicit liquor.

Learned counsel for the petitioner submits that petitioner has got no criminal antecedent and he has falsely been implicated on the basis of secret information. Learned counsel for the petitioner further submits that petitioner is not the owner of the motorcycle as well as the Pick -Up Van which was seized by the Police and no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner. Learned counsel thus submits that upon perusal of the First Information Report and seizure list no prima facie case under the Excise Act is made out against the petitioner.

Having regard to the submissions made by the parties, taking into consideration the materials available on record, the fact that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above



named, shall be released on anticipatory 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 Act, Muzaffarpur/ court concerned in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 680 of 2019, subject to the condition as 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 lockdown and social distancing.

(Anil Kumar Sinha, J)

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