

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23013 of 2020

Arising Out of PS. Case No.-89 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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PARMOD RAI Son of Yadu Rai Resident of Village-Sukumarpur, P.S.-
Raghopur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2020 Heard Mr. Anil Kumar, learned counsel for the

petitioner and Mr. Kumar Ranjit Ranjan, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with

C-2A Case No. 89/2017 registered for the offence punishable

under Section 30 (a) (d) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is that on the

basis of secret information, Excise Officials constituted a

raiding team and proceeded towards the place of occurrence and

recovered 1200 Kilograms of Kinwich Jawa, 8 litres of country

made liquor, and machine etc near the bank of river at the

village-Sukumpura, Diara. It has further been alleged that upon

seeing the raiding party, accused persons fled away from the

place of occurrence.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information. Learned counsel further submits that petitioner has got no criminal antecedents and on perusal of the FIR, it would be evident that illicit liquor has been recovered from the public place which is accessible to all and sundry. Learned counsel further submits that no liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him.

5. Thus, the submission is that upon perusal of the FIR and seizure no, *prima facie*, offence under the Excise Act is made out against the petitioner.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him and petitioner has got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, PARMOD RAI shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned 2nd Additional Sessions Judge-II-cum-Special Judge, Excise Court, Vaishali at Hajipur in connection with C-2A Case No. 89/2017, subject to the conditions as laid down under Section 438(2) CrPC.

8. 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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