

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24273 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- KARJA District- Muzaffarpur

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ARUN RAI Son of Subodh Rai Resident of Village-Aswari Banjaria, P.S.-
Kathaiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Karja Police Station Case No. 50 of 2020, disclosing offence under Sections 272/273/34 of the Indian Penal Code and Section 30 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, on secret information, raided the houses of Bhola Sahni and Dilip Das, and recovered 180.48 and 1136.880 litres of illicit liquor respectively from their rooms. It has further been alleged that the arrested accused persons informed the police that the liquor had been supplied to them by the petitioner and other co-accused persons, who were in the



business of illicit liquor.

Learned Counsel for the petitioner submits that the name of the petitioner has transpired on the basis of the statement made by the arrested co-accused persons, from whose possession, illicit liquor has been recovered. He further submits that the petitioner has got no criminal antecedent no illicit liquor has been recovered either from the conscious possession of the petitioner or the premises belonging to him. He, thus, submits that 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 no illicit liquor has been recovered from the possession of 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 four weeks, 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, Muzaffarpur, in connection with Karja Police Station Case No. 50 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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