

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85083 of 2019**

Arising Out of PS. Case No.-180 Year-2019 Thana- BARURAJ District- Muzaffarpur

Santosh Tiwari @ Kaka Son of Subhash Tiwari, Resident of Village -
Madhopur, Madhu, P.S.- Baruraj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Baruraj P.S. Case No. 180 of 2019 for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having received secret information that several vehicles were being loaded with illicit liquor for the purposes of illegal trade of illicit liquor, whereafter the raiding team had surrounded the Chaur of Narwara Bikhalia road and intercepted several vehicles loaded with illicit liquor. Upon search and seizure, various quantities of illicit foreign liquor were recovered from the various accused persons and one of the arrested accused person, namely, Abhay



Rathour confessed that the petitioner herein and other co-accused persons, who were escorting the seized vehicles, had fled away.

The learned counsel for the petitioner has submitted the petitioner has been falsely implicated in the present case, he is having a clean antecedent and no recovery of illicit liquor has been made either from the petitioner or from his house, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted. Lastly, it is submitted that merely on the confessional statement made by the co-accused person, namely, Abhay Rathour, the petitioner has been implicated in the present case falsely.

Having considered the facts and circumstances of the case as also the fact that neither the petitioner was apprehended from the spot nor any recovery of illicit liquor has been made from the petitioner herein, this Court is of the *prima facie* view that the allegations levelled in the F.I.R. against the petitioner herein do not constitute any offence under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the present petition for grant of anticipatory bail is concerned, hence this Court deems it fit and proper to grant the privilege of anticipatory bail to the petitioner herein.



Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Baruraj P.S. Case No. 180 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Tiwary/-

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