

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83817 of 2019**

Arising Out of PS. Case No.-44 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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AJAY RAY @ AJAY RAI @ AJAY KUMAR Son of Ram Padarath Ray
Resident of Village - Manikpur Maksoodpur, P.S.- Minapur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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

3 06-01-2020 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with P.R. Case No. 44 2019 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of huge quantities of illicit liquor from a truck standing near the embankment of Shivraha Pokhar and the accused persons arrested from the spot had taken the name of the petitioner to be the one who had fled away from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the



present case and he is having a fair antecedent except one other case, which is pending against the petitioner herein. It is further submitted that a bare perusal of the FIR would show that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from the petitioner herein, hence, it is submitted that no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. The learned counsel for the petitioner has further referred to paragraph no. 8 of the present petition and has submitted that neither the petitioner has got any concern with the seized foreign liquor nor the vehicle in question belongs to him.

Having considered the facts and circumstances of the case and upon going through the FIR in question, this Court is of the view that prima facie, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein, for the purposes of grant of anticipatory bail to the petitioner herein.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned Special Judge
Excise, Muzaffarpur in connection with P.R. Case No. 44 of
2019, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

ajay gupta/-

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