

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2555 of 2020

Arising Out of PS. Case No.-228 Year-2017 Thana- RANIYATALAB District- Patna

LALAN UPADHYAY Son of Late Ramnarayan Upadhyay Resident of
Village - Kab Ranitalab, P.S.- Ranitalab, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2020 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rani Talab P.S. Case No. 228 of 2017 for the offence registered under Sections 353 and 506 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of two litres of illicit country made liquor from the motorcycle of the petitioner and the co-accused person, namely, Goldie Kumar was arrested from the spot.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner had in fact given his bike to the co-accused person Goldie Kumar, who is his friend, in good faith but subsequently the petitioner came to know that he



was arrested by the Police and two litres of illicit liquor was recovered. It is thus submitted that since no recovery of illicit liquor has been made from the conscious possession of the petitioner, *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie* no case is made out against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, 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, Patna in connection with Rani Talab P.S. Case No. 228 of 2017 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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