

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.85514 of 2019**

Arising out of P.S. Case No.-393 Year-2019 Thana- CHIRAIYA  
District- East Champaran

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PRABHASH RAI @ PRBHASH RAI Son of Sarvjeet Rai  
Resident of Village - Mohaddipur, P.S.- Chiraiya, District- East  
Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate  
: Mr. Harish Chandra Patel, Advocate  
: Mr. Dhananjay Kumar Gupta, Advocate  
For the Opposite Party/s: Mr. Anil Prasad Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR  
SINHA**

**ORAL ORDER**

2      13-02-2020                      Heard Mr. Sharda Nand Mishra, learned counsel for  
  
the petitioner and Mr. Anil Prasad Singh, learned counsel  
  
appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Chiraiya P.S. Case No. 393 of 2019, registered for the offence  
punishable under Sections 272 and 273 of the Indian Penal Code  
and Section 30(a) of Bihar Excise and Prohibition Act.

The allegation against the petitioner is that the  
petitioner along with other co-accused persons were indulged in



smuggling of illicit liquor and the police upon information proceeded towards the place of occurrence and upon seeing the police party some persons started fleeing away from the place of occurrence, however, the police recovered a total quantity of 40 litres country-made liquor from near the pond of Mohadipur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated by the police with oblique motive inasmuch as the petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to the petitioner.

Learned counsel for the State submits that illicit liquor has been recovered from near the pond which is a public place and the name of the petitioner has been disclosed by the Chowkidar.

Having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed



to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 393 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

Vikash/-

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