

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.2870 of 2020

Arising Out of PS. Case No.-805 Year-2019 Thana- ALAMGANJ District- Patna

RAVI KUMAR Son of Bijli Prasad @ Bijali Ray Resident of Mohalla -
Diwan Mohalla, Nozar Ghat, P.S.- Khajekalan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Anil Prasad Singh

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 Special Case No. 9673 of 2019 arising out of Alamganj
P.S. Case No. 805 of 2019 for the offence registered under
Section 30(a) of the Excise Act.

The allegation is regarding recovery of 600 litres of
illicit country made Mahua liquor from an open space situated
in Meena Bazar *Domkhana* situated in village Alamganj.

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 has been further
submitted that the name of the petitioner has transpired upon
confessional statement having been made by the co-accused
person namely Jitendra Rai and Prince Kumar. It is thus
submitted that since no recovery has been made from the
conscious possession of the petitioner, 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 as also the petitioner is having a clean antecedent, 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 at Patna in connection with Special Case No. 9673 of 2019 arising out of Alamganj P.S. Case No. 805 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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