

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86434 of 2019

Arising Out of PS. Case No.-363 Year-2019 Thana- LALGANJ District- Vaishali

MANJIT RAI @ MANJEET RAY Son of Rajendra Rai Resident of Village-
Jalalpur, P.S.- Lalganj, District- Vaishali. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 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 Lalganj PS case no. 363 of 2019 registered for the offences punishable under Sections 414 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 40 liters of illicit countrymade liquor from the possession of the co-accused person namely Ashok Rai and upon interrogation, he is stated to have disclosed that the petitioner herein was involved in manufacturing of illicit liquor. From the alleged place of recovery of illicit liquor, one scooty is also said to have been recovered which is said to be that of the petitioner herein.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, is having a clean antecedent and there is no recovery of illicit liquor from the petitioner. It is further submitted that as far as the petitioner



is concerned, the scooter in question does not belong to him. It is further submitted that since no recovery has been made from the conscious possession of the petitioner herein, the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

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 no recovery has been made from the conscious possession of the petitioner and the petitioner is having a clean antecedent and a bare perusal of the FIR also does not make out any case under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. District & Sessions Judge-cum-Excise Court, Vaishali at Hajipur in connection with Lalganj PS case no. 363 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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