

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15973 of 2021**

Arising Out of PS. Case No.-266 Year-2019 Thana- UJIYARPUR District- Samastipur

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HARIBALLAB RAI @ HARIBALLABH RAI @ HARIBALLABH  
PRASAD, Son of Faujdar Mahto Resident of Village - Chandchour  
Ramnagar, P.S.- Ujiyarpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ratnakar Pandey

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      14-09-2021                      Heard Mr. Uma Kant Shukla, learned advocate  
  
for the petitioner and Mr. Ram Priya Sharan Singh,  
  
learned APP for the State.

The petitioner seeks bail in anticipation of his  
  
arrest in connection with Ujiyarpur P. S. Case No. 266  
  
of 2019, dated 09.11.2019, instituted for the offence  
  
under Section 30(a) of the Bihar Prohibition and Excise  
  
Act, 2016.

On secret information that some accused  
  
persons are carrying on the business of sale of liquor, a  
  
raid was conducted in the house of one Shambhu Prasad



Singh and from there, huge quantity of liquor was recovered.

The accusation against the petitioner is that he had been entrusted by aforesaid Shambhu Prasad Singh to maintain the Coal Tar Depot which was being used for sale of liquor in an unauthorized manner.

The learned advocate for the petitioner has submitted that the accusation against him does not attract the mischief of the provision of the Excise Act as the implication is only on the guess work of the informant.

Apart from this, it has been submitted that in the absence of any recovery from him or from his premises, the offence under the Excise Act can not be said to have been made out.

He has also submitted that the petitioner was the elected Mukhiya of the concerned Panchayat for the year 2006 to 2011 and during his tenure as Mukhiya he had developed enmity with his political rivals who are



instrumental in getting this case lodged against him.

Apart from such vague statement about the petitioner managing the affairs of aforesaid Shambhu Prasad Singh, from whose premises liquor has been recovered, there is no other material to connect the petitioner with the alleged misconduct.

The petitioner does not have criminal antecedents.

For the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge cum Special Judge, Excise, Samastipur, in connection with Ujiyarpur P. S. Case No. 266 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.



The application stands allowed.

(Ashutosh Kumar, J)

skm/-

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