

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30486 of 2020**

Arising Out of PS. Case No.-208 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. Babloo Rai, S/O Shivji Rai, Resident of Village - Bhawanipur, P.S. -  
Runnisaidpur and Dist. - Sitamarhi.
2. Shivji Rai, S/O Late Mahendra Rai, Resident of Village - Bhawanipur, P.S. -  
Runnisaidpur and Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr. Mahendra Thakur- Advocate        |
|                          |   | Mr. Sanjay Kumar- Advocate           |
| For the Opposite Party/s | : | Dr. Mrityunjaya Kumar Gautam- A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      24-03-2021                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Runnisaidpur P. S. Case No. 208 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., 430.365 litres of illicit liquor is stated to have been recovered beneath the hay stack.

It is submitted by learned counsel for the petitioners that the allegation of recovery is false and concocted.



It is submitted that from perusal of the seizure list, it would transpire that the place of recovery is stated to be hay stack in the shed meant for animals, belonging to the petitioner no.1.

The application for anticipatory bail is opposed by the learned A.P.P. for the State.

A report with respect to the antecedents of the petitioners was called for and the same has been received. As per the report, the petitioner no.1, Babloo Rai was earlier made an accused in a case lodged also under the Bihar Prohibition and Excise Act.

Having heard learned counsel for the parties and in the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner no.1 on anticipatory bail and the application is rejected.

So far as petitioner no.2, Shivji Rai is concerned, his anticipatory bail petition is allowed and it is ordered that petitioner no.2, in the event of his arrest/ surrender within six weeks from today shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Runnisaidpur P. S. Case No.208 of 2020,



subject to conditions as laid down under Section 438(2) of the  
Cr.P.C.

**(Partha Sarthy, J)**

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