

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6516 of 2021

Arising Out of PS. Case No.-538 Year-2020 Thana- MAHUA District- Vaishali

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DILIP RAI Son of Late Lakhindra Rai Resident of Village-Mahua Singh Rai,
P.S.-Mahua, District-Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 538 of 2020 for the offence registered under Sections 414/420 of the Indian Penal Code and Sections 30(a)/32(ii)/34(ii)/41(i) of the Bihar Prohibition and Excise act, 2016.

The allegation is regarding recovery of 280.80 litres of illicit Indian made foreign liquor from a Maruti van and 257.58 litres of Indian made foreign liquor from a black colour Scorpio vehicle as also from one white colour Bolero pick up van from near the house of the co-accused person namely Devendar Rai. As far as the petitioner is concerned, it has been merely alleged that he along with other co-accused persons are



involved in transportation of illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner whereas the fact is that neither any liquor has been recovered from the vehicle of the petitioner or from his house.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the materials available on record, this Court finds that neither any illicit liquor has been recovered from the vehicle of the petitioner nor from his house and in fact the vehicles seized by the police from which illicit liquor has been recovered does not belong to the petitioner, hence this Court finds that prima facie no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. Thus, the bar under Section 76(ii) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein.



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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No.538 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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