

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20045 of 2021**

Arising Out of PS. Case No.-513 Year-2020 Thana- SONEPUR District- Saran

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BINAY RAI @ BINAY KUMAR RAI SON OF RAMASHANKAR RAI
Resident of Village - Pahleja Shahpur, Diyara, P.S.- Sonpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 42 liters liquor from the veranda of the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he has been falsely implicated in the present case, it is next submitted that no



doubt anticipatory bail application is not maintainable under Section 76(2) of the Excise Act but then from perusal of the seizure list it would manifest that the same is in breach of Section 62 of the Excise Act as it does not record that the place from where the alleged recovery was made was also seized as such whether the seizure was made from the *verandah* of the house of the petitioner or a place outside the house of the petitioner is not clear.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sonpur P.S. Case No. 513 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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