

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28732 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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MUNNA KUMAR SON OF LAL BABU RAY @ LAL BABU RA
RESIDENT OF VILLAGE- SUKUMARPUR, PS- RAGHOPUR,
(RUSTAMPUR OP), DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-06-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Excise Police Station Case No. 31 of 2023 dated 12.01.2023, disclosing offences under Sections 30(A)/32(1)/32(3)/41(1)/41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, on secret information, raided the place of occurrence and found that five to six persons were loading liquor over tractor and upon seeing the police party, accused persons started fleeing away, however, two persons were



arrested by the police and upon search, 972 liters of illicit liquor was recovered. The apprehended co-accused persons disclosed that the consignment of liquor was brought on a boat owned by the petitioner and liquor in question belongs to the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive on disclosure of his name by the arrested co-accused persons. He further submits that the petitioner is not the owner of the boat and this fact has been stated in paragraph-8 of this application. He further submits that the petitioner has got no criminal antecedent and no liquor has been recovered from his conscious possession and/or vehicle belonging to him.

Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner has got no criminal antecedents, his name has transpired on the basis of the disclosure made by the arrested co-accused persons and no liquor has been recovered from the possession of the petitioner, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Excise Police Station Case No. 31 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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