

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38512 of 2023**

Arising Out of PS. Case No.-387 Year-2022 Thana- PATNA CITY CHOWK District- Patna

MADAN RAM Son of Late Subidar Ram R/o- Ambedkar Colony, Yarpur,  
PS- Gardanibagh, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dr. Ajay Shankar Rajoo

For the Opposite Party/s : Mr.Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      28-07-2023      Heard the learned counsel for the petitioner and the learned  
A.P.P. for the State.

2.      This is an application for grant of anticipatory bail in connection with Patna City Chowk P.S. Case No. 387 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3.      The allegation is regarding recovery of 30 liters of illicit Mahua country made liquor from a motorcycle, which is alleged to have been abandoned by the petitioner, while fleeing away.

4.      The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted, by referring to



paragraph no. 5 of the present petition tht the motorcycle of the petitioner was stolen by unknown miscreants and it appears that thereafter, they had engaged in the aforesaid crime of carrying illicit liquor, hence, the petitioner is not having any complicity in the matter.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, apart from the fact that the motorcycle in question from which the illicit liquor has been recovered, though belongs to the petitioner, but it is stated to have been stolen on the date of alleged occurrence, this Court finds that prima facie, no case is made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to “the Act, 2016”), hence, the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, thus, I deem it fit and proper to admit the petitioner to the



privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, in connection with Patna City Chowk P.S.Case No. 387 of 2022, subject to the conditions as laid down under Section 438(2) 2023of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Ajay/-

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