

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38469 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- GORAUL District- Vaishali

ANIL RAY @ ANIL KUMAR Son of Vipat Rai Resident of Village - Mahua
Ram Rai, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Goraul (Kathara) P.S. Case No.115 of 2023, registered for offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act and Section 414 of the Indian Penal Code.
3. The allegation is regarding recovery of 62.97 litres of illicit Indian Made Foreign liquor from Maruti Suzuki vehicle.
4. The learned counsel for the petitioner has submitted that the petitioner is innocent and



he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, in which he is on bail. The learned counsel for the petitioner has next submitted, by referring to paragraph no.9 of the present petition, that the vehicle in question does not belong to the petitioner, thus the petitioner is not having any complicity in the alleged crime. It is contended that the name of the petitioner has transpired in the present case, upon the confessional statement made by the co-accused person, namely, Ravi Ranjan, who was apprehended from the spot and had, upon interrogation, disclosed the name of his accomplices, including that of the petitioner herein.

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 parties and taking into account the materials



available on record as also considering the fact that neither the vehicle in question belongs to the petitioner nor any illicit liquor has been recovered from the possession of the petitioner, prima facie this Court finds that no case is made out for the offences punishable under the provisions of Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) 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, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named 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 Exclusive Special Excise Court No.1-cum-Additional District



and Sessions Judge, Vaishali at Hajipur, in connection with Goraul (Kathara) P.S. Case No.115 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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