

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45429 of 2023**

Arising Out of PS. Case No.-22 Year-2023 Thana- BAJPATTI District- Sitamarhi

BAIJU RAI @ BAIJU KUMAR S/O RAM SHRESTH RAI R/O VILLAGE-  
MURAU, RAGHUNATHPUR P.S. BAJPATTI, DISTRICT SITAMRAHI,  
BIHAR PIN -843314

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sachin Kumar, Adv.

For the Opposite Party/s : Mrs.Anita Kumari, APP

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

2      04-08-2023                      Heard the learned counsel for the  
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bajpatti P.S. Case No.22 of 2023, registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 33 litres of illicit Nepali Saufi liquor, from the bushes situated behind the house of the petitioner.

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 three other cases, but he is on bail in all the said three cases. The learned counsel for the petitioner has also submitted that neither the petitioner has been arrested from the spot nor the illicit liquor has been stated to have been recovered from inside the house of the petitioner, thus the petitioner is not having any complicity in the matter as such no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, qua the petitioner herein.

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

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 the illicit liquor is not alleged to have been recovered from within the house of the petitioner, prima facie this Court finds that no case is made out under the provisions of the Bihar Prohibition



and Excise 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 herein to the privilege of anticipatory bail.

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-II, Sitamarhi, in connection with Bajpatti P.S. Case No.22 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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