

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47925 of 2023**

Arising Out of PS. Case No.-18 Year-2023 Thana- DUMARIAGHAT District- East  
Champaran

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Manoj Ram S/O Ramayan Ram R/O Village- Sareya Baduraha, Ps.  
Dumariyaghat, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ujjwal Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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

- 2     11-08-2023     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 Dumariyaghat  
P.S. Case No.18 of 2023, registered for offence  
under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.
3.            The allegation is regarding recovery of 5  
litres of illicit liquor from the back side of the house  
of the petitioner.
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, but he is on bail in the said case. The learned counsel for the petitioner has also submitted that admittedly, illicit liquor has not been recovered within the house of the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

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 illicit liquor has not been recovered from within the house of the petitioner, *prima facie* this Court finds that no case is made out for the offences punishable under the provisions of the 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 Special Judge, Excise Court No.2, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No.18 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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