

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58281 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- MAINATAND District- West Champaran

LALJEE RAM @ LALJI RAM S/O BHARAT RAM R/O VILLAGE-
SINGHPUR, P.S- MAINATAND, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Mainatand P.S. Case No. 66 of 2023 registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery
of 26.4 liter nepali liquor from sack of co-accused Dinesh
Mahto and 22.5 liter nepali liquor from the sack of petitioner. It
is further alleged that apprehended co-accused Dinesh Mahto
disclosed the name of present petitioner who fled away from the
place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the F.I.R. and he has falsely been implicated in the present case. Petitioner bears no criminal antecedent. He further submits that petitioner has no concern with the alleged recovered liquor nor the alleged place of recovery belongs to the petitioner. Petitioner was not present on the spot. Nothing has been recovered from the conscious possession of the petitioner. He further submits that except confessional statement of co-accused Dinesh Mahto, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel further submits that in the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Judge, Excise, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 66 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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