

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65060 of 2023

Arising Out of PS. Case No.-292 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAM PRAVESH RAY Son of Ram Sagar Ray VILLAGE RAHIMPUR
RUDAULI, P.S. MUFASSIL, DISTT. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.
For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 06-11-2023 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 Mufassil P.S. Case No. 292 of 2023 registered
for the offence punishable under Sections 30(a)/30(c) of Bihar
Prohibition and Excise Act, 2022.
3. As per prosecution case, informant and police team
recovered 6 litre foreign wine from the refrigerator kept in the
house of the petitioner.
4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR. Petitioner was not present on the spot. No
incriminating article has been recovered from conscious



possession of the petitioner. The alleged recovery has been made from joint house of the petitioner and portion of the house where recovery is made does not belong to the petitioner rather the same is in possession of other co-sharer of the petitioner. Petitioner bears no criminal antecedent. Petitioner has nothing to do with the alleged recovery in question. Seizure list has not been made as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of 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 Special Excise Judge-I, Samastipur in connection with Mufassil P.S. Case No. 292 of



2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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