

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.65095 of 2023**

Arising Out of PS. Case No.-309 Year-2023 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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GORELAL RAI @ GORE LAL RAI son of Ramchandra Rai Village-  
Ayodhyawari Ps- Lakho Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shashank Shekhar  
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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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 Muffassil (Lakho) P.S. Case No. 309 of 2023  
registered for the offences punishable under Section 30 (a) of  
Bihar Prohibition and Excise Act, 2018.
3. As per prosecution case, informant got secret  
information that petitioner and others are involved in sale and  
purchase of illicit liquor near Ayodhyawadi. On the basis of  
said information, police proceeded towards the alleged place of  
occurrence and on seeing the police personnel petitioner and  
others fled away and it is alleged that police official seized 22.5  
litre of illicit liquor kept behind the bush near Thakurwadi.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel further submits that place of recovery is an open place and accessible to all. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner was not present at the place of occurrence. There is complete violation of mandatory provision of Section 100 of Cr.P.C. Learned counsel further submits that from the perusal of the FIR itself, how the name of petitioner has been surfaced and how they have been identified has not been revealed. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid section.

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 Exclusive Special Excise Judge-I, Begusarai in connection with Muffassil (Lakho) P.S. Case No. 309 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)**

vashudha/-

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