

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65727 of 2023

Arising Out of PS. Case No.-513 Year-2023 Thana- BARHARA District- Bhojpur

Tunnu Ray S/O Virendar Ray @ Bhuteli Ray R/O Village- Paiga, P.S-
Barahara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Adv

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Barahara P.S. Case No. 513 of 2023 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. There is a recovery of 30 litre illicit liquor from the
Scooty, which as per allegation, the petitioners had abandoned
and was fleeing away.

4. Learned counsel for the petitioner submits that the
petitioner's identification is based on identification by the local
Chaukidar, who is on inimical terms with the petitioner. He has
no antecedents and is apprehending his arrest in this false case
for the offences under the Bihar Prohibition and Excise Act,



which would not be made out against him.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre- arrest bail would not be maintainable.

6. Considering the rival submissions, nature of allegations and the manner in which the petitioner has been implicated, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of *Ram Vinay Yadav vs. State of Bihar*, reported in **2019 (2) PLJR 1089 (FB)**, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 1st Bhojpur Ara, in connection with Barahara P.S. Case No. 513 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of



Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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