

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69841 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- CHHAURADANO District- East
Champaran

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GANESH RAI Son of Badari Rai Resident of village - Pakariya, P.S.-
Chhauradano, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chhauradano P.S. Case No. 244/2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 10 liters country made liquor behind 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 and he has falsely been implicated in this case. The petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the said recovery place is an open place and the same is accessible to all. The petitioner was not present at the place of occurrence. He further submits that 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 the learned Court, Special Judge Excise Court No.2, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 244/2023, subject



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

(Alok Kumar Pandey, J)

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