

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70043 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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UMESH RAY @ TILIMILI S/o- RAMDEV RAY Village- Gaushala Chauk
Ps- Madhubani Town Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 01-11-2023 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 Madhuibani Town P.S. Case No. 231 of 2023,
G.R. No. 1039 of 2023 registered for the offences punishable
under Section 30 (a) of the Bihar Prohibition and Excise Act,
2018.
3. As per prosecution case, 13.5 litre illicit liquor
was recovered from the bag which was left by the petitioner.
Local people disclosed the name of 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 FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that petitioner was not present at the place of occurrence and nothing has been recovered from his possession. Petitioner has no concern with the alleged recovery. He further submits that prudently and pragmatically it is impossible to identify the person from back side in the dark night. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid sections.

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 Additional Sessions Judge 2nd cum Special Judge, Excise Act, Madhubani in connection with Madhuibani Town P.S. Case No. 231 of 2023,



G.R. No. 1039 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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