

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.68960 of 2023

Arising Out of PS. Case No.-123 Year-2020 Thana- CHORAUT District- Sitamarhi

CHHOTELAL RAY Son of Jagdish Ray Resident of Village - Khoriya, P.S.-
Pupari, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 01-11-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Charaut Police Station Case No. 123 of 2020, disclosing offences under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that on 27.12.2020, while the police party was on duty, one person riding on motorcycle, upon seeing the police party, threw some article kept in a bag and fled away. From the bag total quantity of 24.03 liters of illicit liquor and a Redmi mobile phone were recovered, in which the



sim of the petitioner was inserted.

4. Learned counsel for the petitioner submits that the petitioner is having no criminal antecedent and no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner. He next submits that the police, on the basis of seized motorcycle and mobile phone, made the petitioner accused, but the fact of the matter is the mobile phone of the petitioner was stolen prior to its seizure.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Special Judge, Exclusive Excise Court No. 2, Sitamarhi, in connection with



Charaut Police Station Case No. 123 of 2020, subject to
the condition laid down under Section 438 (2) of the Code
of Criminal Procedure.

(Anil Kumar Sinha, J)

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