

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33307 of 2024

Arising Out of PS. Case No.-93 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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DHARMENDRA RAY @ KUBRA SON OF RAM LAGAN RAY
RESIDENT OF VILLAGE - JITWARPUR CHAUTH WARD NO.3, P.S. -
MUFFSIL, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Adv.
For the State : Mr.Lalan Kumar, APP (Incharge)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Case No. 93 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 208.44 litre English wine is said to have been recovered from the banana orchard and there is allegation that said banana orchard belongs to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. He further submits that place of occurrence (banana orchard) is joint property of family of the petitioner and same is situated far away from the joint house of the petitioner. There is no compliance of Section 100 of the Cr.PC. Basically nothing was recovered from possession or house of the petitioner. Petitioner is not in any way connected with the alleged liquor. Petitioner bears no criminal antecedent. In the light of 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 learned Special Judge, Excise Court No. II, Samastipur in connection with



Excise P.S. Case No. 93 of 2021, 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)

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