

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47009 of 2024**

Arising Out of PS. Case No.-512 Year-2022 Thana- SONEPUR District- Saran

Harbansh Rai S/O Late Ramsewak Ray R/O Village- Sabalpur, Chaharam,  
P.S- Sonapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      24-07-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sonapur P.S. Case No.512/2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 84.96 liters english wine from Sabalpur Chaharam Baba Ghat. Villagers and local Chaukidar disclosed the name of petitioner and others 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.



Except disclosure of villagers and local Chaukidar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that seized liquor was recovered from the open place and the same was accessible to all. The petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession. He further submits that the petitioner is not in any way connected with the alleged occurrence. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposed 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 02<sup>nd</sup> Exclusive Special Excise Judge, Saran at Chapra in connection with



Sonepur P.S. Case No.512/2022, subject to the conditions as laid  
down under Section 438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

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