

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54346 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- LAUKAHI District- Madhubani

SANTOSH RAI SON OF ACHHELAL RAI @ ACHELAL RAY RESIDENT
OF VILLAGE - MAHADEVA, P.S. - LAUKAHI, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.
For the State : Ms.Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Laukahi P.S. Case No. 232 of 2023, G.R. No. 633 of 2023 registered for the offences punishable under Sections 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on the basis of secret information police raided the house of petitioner and 180 litre Nepali liquor was recovered from the cattle 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. Petitioner bears no criminal antecedent. He further submits that place of recovery is open place and also a joint family property and same is accessible to all. Petitioner cannot be held responsible for the alleged recovery. Basically, nothing has been recovered from possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. 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 learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 232 of 2023, G.R. No. 633 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)

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