

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38261 of 2018

Arising Out of PS. Case No.-149 Year-2018 Thana- MANER District- Patna

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1. Lallu Rai @ Lallu Kumar Rai, owner and driver of Pulsar Motorcycle Reg. No. BR 0106-5361 Son of Tipan Rai.
 2. Ranjeet Kumar @ Ranjeet Rai, son of Shiv Dayal Rai
Both Resident of village- Jiurakhan Tola, Gauraiya Sthan, P.S.-
Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Rudra Deo, Advocate
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-07-2018 Heard Sri Rudra Deo, learned counsel for the
petitioners and learned Additional Public Prosecutor.

Two petitioners, apprehending their arrest in connection with Spl. Case No. 3526 of 2018 arising out of Maner P.S. Case No. 149 of 2018 , registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners at the very outset stated by way of referring to the statement made in paragraph no. 3 of the petition that petitioners are having clean antecedent. He further submits that despite the fact that



petitioners were having clean antecedent, to the reasons best known to the informant, who is a Police Officer, in the F.I.R. he has used the word “petitioners were traders of illegal trade of liquor” and he claimed that one motorcycle was tried to be intercepted, however, two persons, one driver and this petitioner fled away throwing the motorcycle and from the motorcycle huge quantity of country made liquor was shown to be recovered. He submits that the alleged interception was made in the night at 9.30 and nothing has been indicated as to how the petitioners could be identified. Learned counsel for the petitioners reiterates that falsely petitioners have been made accused. By way of referring to the statement made in paragraph no. 9 of the petition it has been argued that petitioners have got no concern either with seized wine or seized motorcycle.

In view of the facts and circumstances particularly the fact that petitioners, as stated in the petition, are having clean antecedent, there is no reason to deny the prayer for grant of anticipatory bail.

Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let the petitioners namely, (1) Lallu Rai @ Lallu Kumar Rai, and (2) Ranjeet



Kumar @ Ranjeet Rai be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise, Patna / concerned court in connection with Spl. Case No. 3526 of 2018 arising out of Maner P.S. Case No. 149 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973 with indication that if subsequently it is noticed that statement made in paragraph no. 3 of the petition was incorrect, the State would be entitled to file mentioning slip for recalling of this order.

(Rakesh Kumar, J)

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