

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11869 of 2018

Arising Out of PS.Case No. -257 Year- 2017 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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BIJAY KUMAR RAI @ VIJAY KUMAR RAI @ VIJAY RAI @ MUNNA
RAI, S/o Jamun Ray @ Yamuna Rai, Resident of Village- Etwarpur,
Sisaula, P.S. Lalganj, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioners and the

learned counsel for the State.

The petitioners seek anticipatory bail in connection
with Lalgan PS case no. 257 of 2017 registered for the offences
punishable under Section 30(A), 32(2), 41(1) of the Bihar
Prohibition and Excise Act.

The allegation is regarding recovery of 315.920 of illicit
liquor from one mini truck, one Alto car and one motorcycle.

The learned counsel for the petitioners submits that no
recovery has been made from conscious possession of the
petitioner. It is further submitted that though the petitioner is the
owner of the Alto car, but he was not present at the time of
recovery of illicit liquor and there is no compliance of Section 100



Cr. P.C. It is further submitted that one of the co-accused persons, namely, Baiju Mahto has been granted anticipatory bail by this Court by an order dated 13.2.2018 passed in Cr. Misc. No. 8465 of 2018 and the petitioner is having a clean antecedent.

Considering the nature of accusation levelled against the petitioner herein as also the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Vaishali at Hajipur in connection with Lalganj PS case no. 257 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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