

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44388 of 2019

Arising Out of PS. Case No.-486 Year-2018 Thana- KHAJEKALA District- Patna

Arbind Rai @ Arvind Kumar Rai, aged about 55 years (male), S/o Sri Keshav Rai R/o Mohalla- Mitan Ghat near Mazar, P.S.- Khajekallan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Narayan Prasad

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Special Case No. 12095 of 2018 arising out of Khajekallan P.S. Case No. 486 of 2018 registered for offences under sections 30(a) of the Bihar Excise Prohibition and Amendment Act, 2016.

As per prosecution case, on receipt of secret information, the police went to the bank of Ganga river near Mitan Ghat Mazar and caught one person who disclosed his name as Subodh Kumar and other persons got success in fleeing away from there. The police recovered 360 liters of country made liquor from the vehicle.

Learned counsel for the petitioner submits that the



petitioner was being brought at the place of occurrence as a loader and unloader and has no concern with the seized article. He further submits that the name of the petitioner has surfaced on the statement of co-accused Subodh Kumar.

The petitioner has got no criminal antecedent as stated in paragraph no.3 of the present petition.

Looking to the entire facts and circumstances of the case as also the petitioner having no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Patna in connection with Special Case No. 12095 of 2018 arising out of Khajekallan P.S. Case No. 486 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

However, at the time of accepting bail bonds, the court below will verify and ensure itself regarding criminal



antecedent of the petitioner and if it is found that the petitioner has clean antecedent, his bail bond will be accepted but, if it is found that the petitioner is involved in any other case before filing of the present case i.e. 17.7.2019, then he would not be released.

(Shivaji Pandey, J)

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