

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44651 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- GHORASAHAN District- East
Champaran

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1. SANDEEP RAI Son of Raghunath Rai Resident of Village - Laxmipur, P.S.-
Muffasil, Motihari, District - East Champaran
 2. Ram Vishwas Rai @ Ram Vishwas Son of Satyanarain Rai Resident of
Village - Jolgawan (Baraila Border), P.S.- Jitna, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-10-2019 This application, for grant of anticipatory bail,

arises out of Ghorasahan (Jitna) P.S. Case No. 78/2019,

disclosing offences under Section 414 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition of Excise Act, 2016.

As per F.I.R. Bolero vehicle was intercepted and there

was recovery of huge quantity of liquor and one person was

arrested, he disclosed the name of petitioner no. 1, who was

driving the vehicle and along with him, he was doing liquor

business. So far petitioner no. 2 is concerned, there is allegation

that he assisted the accused persons in passing the vehicle

through the border.

Submission of learned counsel for the petitioners is



that save and except confessional statement of co-accused, there is nothing against the petitioner no. 1 and so far petitioner no. 2 is concerned no case under Section 30 (a) of Bihar Prohibition and Excise Act as well as under Section 414 I.P.C., is made out against him as there is only allegation against him of assisting the other accused persons in passing the vehicle through the border.

Learned counsel for the State opposed the prayer for bail and submitted that petitioner no. 1 is the driver of the vehicle and petitioner no. 2 is the persons, who assisted the co-accused persons in passing the vehicle through the border.

Having heard both sides, considering the facts and circumstances, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within three weeks from the date of receipt of a copy of this order, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Mothiari in connection with Ghorasahan (Jitna) P.S. Case No. 78/2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is further subject to the condition that if again in



future, the petitioners are found involved in such type of acts,
prosecution will be at liberty to move for cancellation of bail
bonds of the petitioners.

(Vinod Kumar Sinha, J)

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