

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57248 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- VAISHALI District- Vaishali

1. Amarjeet Rai Son of Shree Laxman Rai Resident of Village- Basdeopatti, P.S.- Saraiya, District- Muzaffarpur.
2. Dilip Rai Son of Shree Nabal Rai Resident of Village- Narayanpur, P.S.- Saraiya, District- Muzaffarpur.
3. Randhir Kumar Rai @ Chunu S/o Baleshwar Rai Resident of Village- Manikpur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Niranjan Parihar, Advocate
For the Opposite Party	:	Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend their arrest in connection with **Vaishali Sadar P.S. Case No. 138 of 2019** instituted for the offence under Section(s) 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Referring to the allegations in the First Information Report, the petitioners' counsel



submits that from the same and the seizure list, it is apparent that the recovery of liquor in-question is from the possession of other accused persons. The name of the petitioners has surfaced in the First Information Report merely because one of the co-accused(s), upon his arrest, has mentioned the petitioners' name. Even mention of the various names are not in the context of the recoveries being made from the petitioner. Thus, no case is made out for the purposes of the Bihar Prohibition and Excise Act.

Learned APP has opposed the prayer for bail by submitting that huge quantity of 6201 liters of illicit liquor has been recovered. The petitioners' name has come in the course of investigation also.

For the limited purpose of grant of bail this Court is inclined to accept the submission of counsel for the petitioner.

Considering the rival submissions of the parties and the fact that the petitioners have no criminal antecedent as per statement made in paragraph No. 3 of the bail petition, prayer of the



petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge-IIInd -cum-Special Judge Excise Act, Vaishali at Hajipur**, in connection with **Vaishali Sadar P.S. Case No. 138 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to



be cancelled.

(Madhuresh Prasad, J)

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