

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61110 of 2019

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

Raja Rai @ Raj Kumar Ray Son of Binod Rai Resident of Village-Basantpur
Patti, P.S-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner as well as
learned APP for the State.

Petitioner apprehends his arrest in connection with
Vaishali P.S. Case No.138/2019, for the offence punishable
under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The prosecution story as per First Information Report
is that, police got an information that huge consignment of
liquor was being unloaded in the poultry farm belonging to one
Sanjay Chaudhary. The police proceeded towards the place of
occurrence and upon seeing the police party, persons assembled
there started fleeing away however, police arrested one person,
namely, Kira Ram who disclosed that he works at the poultry
farm of Sanjay Chaudhary. He further disclosed the name of the
petitioner as well as all the person who had assembled in the



poultry farm of Rajnish where the feast of chicken, rice and liquor was organized and they were discussing among themselves about arrival of the consignment of illegal liquor through truck and the distribution among themselves for sale. The total quantity of 6201 liters of illicit liquor was seized from the truck bearing registration no.RJ-21GA-5436 along with one Pulsar motorcycle, one Glamour motorcycle and one Scooty from the poultry farm of Sanjay Chaudhary.

Learned counsel for the petitioner submit that petitioner has got no criminal antecedent and has falsey been implicated in this case merely on the statement of the arrested accused Kira Ram. Learned counsel for the petitioner further submits that the truck from where illegal liquor was recovered does not belong to the petitioner.

Learned counsel for the petitioner submits that from perusal of the First Information Report and seizure list it would be evident that nothing has been recovered from the conscious possession of the petitioner.

Having regard to the submission made by the parties and taking into consideration the fact that no liquor has been recovered from the conscious possession of the petitioner and the petitioner has got no criminal antecedent, I am inclined to



grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by him, he shall be released on anticipatory bail by the court below upon furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind-cum-Excise Court, Vaishali at Hajipur in connection with Vaishali P.S. Case No.138/2019, subject to the condition as mentioned under Section 438(2) of Cr.P.C.

(Anil Kumar Sinha, J.)

Prakash Narayan /-

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