

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2581 of 2020

Arising Out of PS. Case No.-282 Year-2019 Thana- RIGA District- Sitamarhi

BINOD RAI Son of Late Devnarayan Rai Resident of Village - Marar, P.S.-
Riga, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Riga P.S. Case No. 282 of 2019, registered for the offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on information having been received the informant along with other police personnel reached the place of occurrence where illicit liquor was being unloaded from the truck. It is stated that while some accused persons managed to escape, two accused were arrested and on their confession as also on being identified by the Choukidar amongst the persons who had managed to escape, the name of



the petitioner transpired.

It is submitted by learned counsel for the petitioner that the name of the petitioner has transpired on the confession of one Naga Saah made before the police and on so called identification by the Choukidar. It is further submitted that no incriminating article has been recovered from possession of the petitioner and he is neither the owner of the orchard nor has any concern with the vehicle involved in the case. It is finally submitted that petitioner has no criminal antecedent.

It is submitted by learned APP for the State that the allegations are serious in nature because huge quantity of 3329.960 litres of IMFL was being unloaded from the vehicle in question and the petitioner was seen fleeing away.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above specially the fact that the petitioner has neither concern with the vehicle nor the orchard and he has no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Riga. P.S. Case no. 282 of 2019, he will be enlarged 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 Additional Sessions Judge II-cum-Special Judge, Excise Act, Sitamarhi subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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