

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5184 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- VAISHALI District- Vaishali

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NAGENDRA RAJA RAY @ NAGENDRA RAI S/o Raja Ray R/o Madarna,
P.S.- Vaishali, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 273 of 2019 (GR No. 479 of 2019), registered for the offence punishable under Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 259.2 liters of illicit Indian made foreign liquor from a Bolero vehicle which was apprehended by the police, however, the driver of the said vehicle managed to flee away.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is further submitted that the vehicle in question is a commercial



vehicle which is driven by the driver employed for the said purpose, hence, the petitioner has got no concern with the illicit liquor being carried by the driver of the said vehicle. It is further submitted that no compliance of Section 100 Cr.P.C. has been made while preparing the seizure list, hence, the entire seizure is vitiated. It is further submitted that since no recovery of illicit liquor has been made from the conscious possession of the petitioner, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IIInd-Cum Special Judge, Vaishali at



Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 273 of 2019 (G.R. No. 479 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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