

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86376 of 2019

Arising Out of PS. Case No.-305 Year-2019 Thana- SARAI District- Vaishali

Raju Rai, Son of Ram Ayodhya Rai Resident of Village - Madhopur Ram,
P.S.- Sarai, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Sarai P.S. Case No.305 of 2019, registered for the offence
punishable under Sections 30(a), 35(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner as per the first
information report is that police, upon secret information that
petitioner along with other accused persons were indulged in
selling the illicit liquor, proceeded towards place of occurrence
and recovered a total quantity of 833 litres of illicit liquor from
the Tata Magic vehicle standing in front of the house of co-
accused, Ram Bhagwan Rai. The name of the petitioner has
been disclosed by the co-accused, Ram Bhagwan Rai, as one of



his accomplices.

Ms. Rashmi Jha, learned counsel appearing for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case on the basis of alleged confessional statement made by arrested co-accused, Ram Bhagwan Rai. Learned counsel referring to para 11 of the bail application submits that petitioner is not the owner of the Tata Magic from where the illicit liquor has been recovered by the police. Learned counsel thus submits that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to him 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 from today 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) with two



sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Vaishali at Hajipur, in connection with Sarai P.S. Case No.305 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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