

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5381 of 2020

Arising Out of PS. Case No.-261 Year-2019 Thana- KARJA District- Muzaffarpur

MANOJ RAI Son of Madan Rai Resident of Village - Dwarikapur, P.S.-
Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-03-2021 Heard both sides.

The petitioner apprehends his arrest in Karja P.S. Case No. 261 of 2019, registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code read with Section 30(a)/38 of the Bihar Prohibition & Excise Act, 2016.

The police officer of Karja Police Station himself alleged that he got information that liquor traders, namely, Santosh Chaudhary, Sanjay Rai, Manoj Rai (petitioner), Nawal Rai and 3-4 unknown persons had assembled in the premises of a school and they were unloading the liquor from 10 wheelers truck to another vehicle. When the informant went to verify the information accused persons managed to flee away leaving the vehicle and liquor.

Learned counsel for the petitioner submits that informant has claimed that petitioner is liquor trader but petitioner has got no criminal antecedent. This is the first case in which he has been named in the F.I.R. The petitioner was neither arrested on the



spot nor anything was recovered from his possession. Save and except the fact that informant himself named the petitioner, there is nothing on record to show the involvement of petitioner even the informant did not disclose that from whom he came to know about the occurrence and the name of the petitioner and others who had assembled at the place of occurrence for unloading the liquor from one vehicle to another.

Considering the facts aforesaid and the fact that although informant named the petitioner as liquor trader but petitioner has got no criminal antecedent, it is the first case in which he has been made accused on the personal information of the informant, the petitioner above named 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, is directed to 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 the learned Special Judge, Excise Act, Muzaffarpur, in connection with Karja P.S. Case No. 261 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J)

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