

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28091 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- RAGHOPUR District- Vaishali

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VIJAY RAI S/o Nandhi Rai Resident of Village- Sukumarpur, P.S.- Raghapur
(Rustampur O.P.), District- Vaishali, at present Sharifaganj, P.S.- Chowk,
District- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Section 414/34 of the Indian Penal Code and Sections
30(a)(d)/41 of Bihar Prohibition & Excise Amendment Act,
2018

Informant is a police officer, who in his self statement
has alleged that he received secret information that 22 accused
named in the FIR including petitioner are indulged in
manufacturing and sale of country made liquor and on receiving
said information he reached said place, however, 22 accused
persons assembled there managed to flee away and at the place
of occurrence from three motorcycles parked, illicit liquor were
seized by the police.

It has been submitted on behalf of petitioner that he is

innocent and has been falsely implicated in this case only on the basis of suspicion. He has nothing to do with the recovery of illicit liquor from the motorcycle parked there, as he is not the owner of motorcycle. He was neither apprehended from the place of occurrence nor any illicit liquor has been recovered from his conscious possession or from his house, as such, no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum Excise Court, Vaishali at Hajipur, in connection with Raghapur (Rustampur O.P.) P.S. Case No. 69 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

Rajiv/veena-

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