

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1842 of 2021

Arising Out of PS. Case No.-290 Year-2020 Thana- EKMA District- Saran

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1. Vikas Rai @ Vikesh Yadav, male, aged about 21 years.
 2. Mukesh Rai @ Mukesh Yadav, male, aged about 28 years.
- Both Sons of Ramendra Rai @ Ramendra Ray, R/o village- Betwariya
Maniyar Tola, P.S.- Ekma, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-07-2021 Mr. Jeetendra Narayan, the learned Advocate for

the petitioners seeks permission to withdraw the application

with respect to petitioner No. 2/Mukesh Rai @ Mukesh

Yadav, who has been arrested during the pendency of this

application.

Permission is granted.

The application with respect to petitioner No. 2 is



dismissed as having become infructuous.

Heard the counsel for the parties.

The petitioner No. 1/Vikas Rai @ Vikesh Yadav seeks bail in anticipation of his arrest in connection with Ekma P.S. Case No. 290 of 2020, dated 30.07.2020, instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is stated in the F.I.R. that 50 litres of liquor was recovered from near a pond by the side of the land of one Lallan Rai. So far as petitioner No. 1 is concerned, he has been named by the local *Chowkidar* and others that at the time of raid, he could manage to escape.

The learned counsel for the petitioner No. 1 has submitted that apart from such stray statements regarding him, there is nothing on record to connect him with the offence. He has further submitted that no offence under the Excise Act can at all be said to have been made out against the petitioner No. 1.

Regard being had to the facts afore-stated and taking into account that the petitioner No. 1/Vikash Rai @



Vikesh Yadav does not have criminal antecedents, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-Special Court, Excise Act, Saran in connection with Ekma P.S. Case No. 290 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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