

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1591 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- PAROO District- Muzaffarpur

1. Ajay Rai S/o Bhola Rai, Resident of Village- Damodarpur, P.S.- Paroo, Distt- Muzaffarpur.
2. Sanjay Rai S/o Bhola Rai, Resident of Village- Damodarpur, P.S.- Paroo, Distt- Muzaffarpur.
3. Pintu Sah S/o Kishori Sah, Resident of Village- Amritpur (Malahi), P.S.- Vaishali, Distt- Vaishali.
4. Ritesh Kumar, S/o Sunil Rai, Resident of Village- Amritpur (Malahi), P.S.- Vaishali, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 01-09-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State thorough Video Conferencing.

The petitioners apprehend their arrest in connection with Paroo P.S. Case No. 231 of 2020, registered under Sections 30 and 30(a) of the Bihar Excise Act.

The accusation is that on receiving secret



information about loading of illicit liquor by Ajay Rai (petitioner no.1), Mukesh Rai, Pintu Sah (petitioner no.3), Sanjay Rai (petitioner no.2), the informant along with other police personnel reached in the village Damodarpur then saw that some persons were indulged in loading the liquor in the Pickup Van, where one Scooty was parked. On seeing the police persons, all fled away. In front of the house of Ajay Rai (petitioner no.1), one Pickup van was parked, on which, cartons of illicit liquor were loaded and cartons of illicit liquor were also loaded in the Schooty. On search of Pickup Van bearing registration no. BR01GH-2562, several bottles of Indian made foreign liquor in the volume of 1350 litre recovered whereas from the Schooty bearing registration no. DL65AM 7620, several bottles in the volume of 18 litre Indian made foreign liquor recovered and from the open land, several bottles, in the volume of 2085 litre of Indian made foreign liquor also recovered.

Learned counsel for the petitioners submits that petitioner no. 1, Ajay Rai, and petitioner no. 2, Sanjay Rai, are own brother, from whose door, Pickup Van and Schooty are said to be parked loaded with illicit liquor and petitioner no. 4, Ritesh Kumar, is the owner of the Pickup van, from which,



several bottles of Indian made foreign liquor are said to be recovered. Further submission is that petitioner no. 3, Pintu Sah, has no concerned with the alleged illicit liquor, in fact, he is neither the owner nor the driver of the said vehicle, from which, the illicit liquor are said to be recovered.

Having regard to the facts and circumstances of the case, let the above named petitioner 3, namely, Pintu Sah, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Paroo P.S. Case No. 231 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner nos. 1, 2 and 4, namely, Ajay Rai, Sanjay Rai and Ritesh Kumar are concerned, taking into consideration the recovery of huge quantity of illicit liquor, I am not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1, 2 and 4 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in



accordance with law without being prejudiced by the order of
this Court.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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