

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81350 of 2019

Arising Out of PS. Case No.-365 Year-2019 Thana- MAHUA District- Vaishali

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LALMOHAN RAI, Son of Satyendra Rai @ Nirsu Rai Resident of Village -
Lara Cha, P.S.- Mahua, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-09-2021 Heard Mr. Rajeev Ranjan Singh, learned

advocate for the petitioner and Mr. Gauri Shankar

Gupta, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Mahua P. S. Case No. 365 of

2019, instituted for the offence under Section 414 of the

Indian Penal Code and Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

It appears from the F.I.R. that liquor carried in

a truck was being unloaded into four smaller vehicles. In

the head light of the vehicle as well as in the torch light,

the petitioner and others were identified as persons who



were unloading the liquor kept in the truck.

The learned advocate for the petitioner has submitted that he has wrongly been named in the F.I.R. His name has been supplied by local persons, with whom he has enmity.

The petitioner does not have criminal antecedents.

Apart from this, it has been submitted that one of the similarly situated accused persons has been granted anticipatory bail by a Bench of this Court.

On these grounds, it has been urged that the offence under the Excise Act cannot be made out against the petitioner.

For the facts stated above, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 11nd cum Special Judge, Excise, Vaishali at Hajipur, in connection with Mahua P. S. Case No. 365 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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