

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28660 of 2021

Arising Out of PS. Case No.-479 Year-2020 Thana- NAANPUR District- Sitamarhi

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Vijay Rai @ Vijay Kumar Rai, aged about 26 years, male, Son of Late Lal Babu Rai, Resident of Village - Chainpur, P.S. - Katara, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-01-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Nanpur P.S. Case No. 479 of 2020, dated 03.12.2020, instituted for the offences under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The informant, who is a police officer, has alleged that on receiving confidential information that the F.I.R. named accused persons including the petitioner are engaged in trade of illicit liquor and that they have brought a truck from which liquor is being unloaded, he reached the place



but on seeing the police party, the miscreants fled away. From the aforesaid truck, 405 litres of liquor was recovered. Two motorcycles were also recovered from the place of the raid.

The learned counsel for the petitioner has submitted that he has falsely been implicated in this case due to village rivalry and animosity. It has further been submitted that the petitioner is not the owner of either of the motorcycles so seized by the police. He was neither apprehended on the spot nor any liquor has been recovered from his constructive possession or from his house.

On these grounds, it has been argued that no offence under the Excise Act can at all be said to have been made out against the petitioner.

The petitioner does not have criminal antecedents.

Regard being had to the facts afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four 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. District Judge-II-Cum-Special Judge, Excise Act, Sitamarhi in connection with Nanpur P.S. Case No. 479 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with the following conditions:

(i) One of the bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned;

(ii) The petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the Court below;

(iii) If the petitioner tampers with the evidence or the witnesses of the case, the prosecution will be at liberty to move for his cancellation of bail; and

(iv) If the petitioner is found to be involved in similar nature of offences after his release on bail, the Trial Court shall take steps to cancel his bail bond.

With the aforesaid observation/direction, the application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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