

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36964 of 2021

Arising Out of PS. Case No.-518 Year-2020 Thana- BIDUPUR District- Vaishali

Sudhir Kumar Rai Son Of Sri Raja Ray @ Rajaram Rai Resident Of Village-
Kutubpur, P.S.- Bidupur, District- Vaishali At Hajipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-06-2022 Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 30
and 30(a) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 27.11.2020, he received confidential information
that consignment of illegal foreign liquor is being transported by
pick-up van from Khalsa Ghat by the petitioner, Sonu Kumar
Rai, Manoj Rai and Suman Kumar. It is next alleged that the
informant was also informed that a motorcycle is also there
along with the said pick-up van and the said motorcycle is being
used for delivering the liquor. It is next submitted that



accordingly, a raid was conducted, but the accused persons sitting in the vehicle and on the motorcycle fled taking advantage of darkness and thereafter, the pick-up vehicle was searched from which 847.59 litre of liquor was recovered.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, it cannot be alleged that the liquor was recovered from his conscious possession. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that that the name of the petitioner came based on secret information received by the police. It is next submitted that petitioner is neither the owner, nor the driver of the said vehicle and the police falsely implicated a person with clean antecedent.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner was not arrested from the spot, nor he is owner and driver of the vehicle, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two



Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bidupur P. S. Case No.518 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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