

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62572 of 2022

Arising Out of PS. Case No.-420 Year-2021 Thana- MAHUA District- Vaishali

Sunil Kumar @ Sunil Rai Son of Rajendra Rai @ Rajeshwar Ray R/V-
Mahua Singh Ray, P.S- Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahua P.S. Case no. 420 of 2021 instituted for the offence under Sections 30(a), 32(ii), 34(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 8812.5 liters country made foreign liquor from a container truck bearing Reg. No. UP21CN-4807.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is neither the driver nor the owner of the sized vehicle from where the recovery has been made. He has no concern with the alleged recovery of illicit liquor or vehicle



in question. The name of the petitioner has been transpired in this case by local Chaukidar. It is further submitted that neither the petitioner was apprehended on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mahua P.S. Case no. 420 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2nd-cum- Additional District and Sessions Judge, Hajipur, Vaishali subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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