

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.310 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

Ashok Rai Son of Late Harinath Rai Resident of Village- Taraiya Suzan
Kinwari, P.S.- Taraiya Suzan, District- Kushinagar, State Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

This is an application for grant of anticipatory bail of
petitioner Ashok Rai who is apprehending his arrest in
connection with Vishambharpur P.S. Case No. 86 of 2021
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per F.I.R., there is recovery of 682.920 liters of
illegal liquor from the vehicle and apprehended accused
disclosed the name of owner of the vehicle and country made



liquor is of co-accused Markenday Rai and english liquor is from the wine shop of petitioner.

Learned counsel for the petitioner submits that he has falsely been implicated in this case on the basis of confessional statement of co-accused. He has further submitted that the petitioner has filed an affidavit stating that he has no any foreign liquor shop in his name or in the name of his relative and he has no concern with the business of liquor. Petitioner has clean antecedent and no *prima-facie* case is made out against the petitioner. He has next submitted that the Coordinate Bench of this Court vide order dated 08.12.2021 passed in Criminal Misc. No. 58809 of 2021 and vide order dated 10.12.2021 passed in Criminal Misc. No. 65163 of 2021 had allowed the anticipatory bail of co-accused persons namely Markenday Rai and Rupesh Singh and the case of the petitioner is on better footing.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioner.

Having heard learned counsel for the parties and considering the facts that Coordinate Bench of this Court has allowed the anticipatory bail of the similarly situated co-accused persons by the aforesaid orders, petitioner has no criminal antecedent and he has given an affidavit on record that



petitioner is not involve in the business of liquor and has no shop of liquor in U.P., as such, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd-cum-Special Judge, Excise Act, Gopalganj in connection with Vishambharpur P.S. Case No. 86 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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