

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4486 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SANT LAL RAI @ SANT LAL KUMAR S/O BRAHAMDEO RAI R/V-
POKHRAIRA, P.S.- MUFFASIL, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.
For the Opposite Party/s : Mr.Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Altogether 213.930 litres foreign liquor has been
recovered from a car. Driver and other accused person who
were sitting in that car were apprehended by the police and
disclosed the name of the petitioner.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner rather the illicit liquor is



said to have been recovered from a car. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither the petitioner is owner nor the driver of the said car. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. It is further submitted that the similarly situated co-accused person has been granted anticipatory bail by the co-ordinate bench of this Court vide order dated 04.11.2022 in Cr.Misc.No. 56078 of 2022. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.40,000.00 (Rupees Forty Thousand) in account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Samastipur (Muffasil) P.S. Case No. 236 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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