

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23176 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- SIDHWALIYA District- Gopalganj

SURAJ RAI @ SURAJ KUMAR @ DHELA RAI SON OF RAJESH RAI @
BHAGELU RAI R/O VILLAGE- BUCHEYA MATHIYAN, P.S.-
SIDHWALIYA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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 Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 34.380 litres of liquor from a bag which was kept in the straw house situated beside the room of one Sudarshan Rai.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be



implicated at the instance of the local people and the Chawkidar with whom he is on an inimical term and the name of the villagers was not disclosed in the FIR which further creates doubt with regard to the veracity of the allegation as alleged in the FIR when admittedly petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, 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, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sidhwaliya P.S. Case No. 50 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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