

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35958 of 2023

Arising Out of PS. Case No.-273 Year-2014 Thana- SHAHPUR PATORI District- Samastipur

HARIVANSH PRASAD RAI Son of Kamleshwari Prasad Rai Resident of
Village- Sirdilpur, PS- Patori, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Patori P.S. Case No. 273 of 2014 dated 31.08.2014, instituted for the offence punishable under Sections 273 of the Indian Penal Code and 47(A) of the Bihar Prohibition and Excise Act.

3. As per the case of prosecution, 460 litres country-made liquor has been recovered from the *veranda* of the house of Vijay Chaudhary which was unloaded from the Discover motorcycle bearing Registration No. BR33L-5763.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered from the possession of the petitioner. The petitioner was neither present on the spot nor arrested by the police. The petitioner has



no concern with the said seized vehicle and seized articles. Only on the basis of confessional statement of one Surendra Rai, the petitioner has been made accused in this case. Lastly, it has been submitted that the petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest/surrender of the petitioner in connection with Patori P.S. Case No. 273 of 2014, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Excise Court-Iind, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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