

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40579 of 2023

Arising Out of PS. Case No.-260 Year-2021 Thana- GANGABRIDGE District- Vaishali

MINDAR RAI Son of Ram Lakhan Rai Resident of village - Diwantok, P.S.-
Gangabridge, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2023 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 30(c) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 50 litres of liquor from the kiln of Ajit Rai along with 2000 litres of raw java which was destroyed at the spot, 60 litres of liquor from the kiln of Amarjit Rai along with 3000 litres raw jawa which was destroyed at the spot, further one motorcycle was also seized from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession, it is further submitted that the alleged recovery is from a place which does not belong to the petitioner and he came to be implicated by local people but then the FIR does not disclose the name of the persons who disclosed the name of the petitioner which casts aspersions on the case of the prosecution, it is further submitted that the petitioner is not owner of the seized motorcycle.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted that petitioner is not the owner of the seized motorcycle but then the same is not pleaded in the anticipatory bail application.

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 Ganga Bridge P.S. Case No. 260 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



However, the learned trial court before accepting the bail bonds of the petitioner shall verify the ownership of the vehicle and in the event, if it is found that the vehicle is registered in the name of the petitioner, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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