

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43284 of 2023

Arising Out of PS. Case No.-279 Year-2023 Thana- KANTI District- Muzaffarpur

Rajeev Kumar Rai @ Rajeev Kumar S/O Sri Mohan Ray, R/O Village-
Sadulpur, P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kanti P.S. Case No. 279 of 2023 registered for the offences punishable under Sections 30(a), 32 (ii)(iii), 36, 41 (i)(ii) of the Bihar Prohibition and Excise Amendment Act, 2018. He has got two criminal antecedents in which he is said to be on bail.

3. As per the prosecution story, on 20.04.2023 when the informant received information that this petitioner along with other co-accused named in the FIR had brought illicit liquor by a tractor bearing Registration No. HR13K0549 near Narayani Petrol Pump situated at Darbhanga More and they were loading and unloading the cartoons of liquor on vehicle. When the informant along with police force reached at the place



of occurrence, the petitioner and others tried to escape. From the tractor, 1521.00 litre of illicit foreign liquor was recovered from the said tractor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the seizure has been made from a tractor which does not belong to this petitioner. It is further submitted that he was not identified in the car/motorcycle from which the accused persons are said to have been escaped from the place of occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission on behalf of learned counsel for the petitioner that the alleged liquor is said to have been seized from a tractor bearing Registration No. HR13K0549 to which the petitioner has denied any connection, the petitioner was not seen/identified in the car or motorcycle, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kanti P.S. Case No. 279 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise Court No. II, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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