

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58282 of 2023

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

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VINOD RAI @ VINOD KUMAR YADAV S/O Raghunath Ray R/O Village-
Sinduari, P.S- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kanti P.S. Case No. 279 of 2023 for the offence registered under Sections 30(a), 32 (ii) (iii), 36, 41 (I) (ii) of the Bihar Prohibition and Excise (Amendment) Act lodged on 20.04.2023 by the informant, Uma Kant Singh.

3. As per the prosecution story, upon information that a big consignment of illicit liquor has been bought on a Tractor, reached the place. Though accused persons managed to escape, 1521 liters of illicit foreign liquor recovered from the Tractor. Accordingly, the FIR.

4. It is the case of the petitioner that the recovery is from a Tractor which does not belong to him, due to local



politics, he has been dragged in and further he do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail stating that there is specific information to the police that accused persons including this petitioner had brought illicit liquor.

6. Taking into account the fact that nothing has been recovered from his possession, the alleged recovery is from a Tractor which according to the petitioner does not belong to him and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court NO. -II, Muzuffarpur in connection with Kanti P.S. Case No. 279 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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