

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53043 of 2023

Arising Out of PS. Case No.-180 Year-2020 Thana- PIYAR District- Muzaffarpur

Ashok Rai, aged about 38 years (Male) Son of Rajendra Rai, Resident of Village- Satpura, P.S- Sakara, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Piar (Piyar) P.S. Case No. 180 of 2020 dated 29.09.2020 instituted under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 189 litres of illicit foreign liquor was recovered from the vehicle in which co-accused person was arrested and he disclosed the name of the petitioner and the other person who fled away from the vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no recovery from the possession of the petitioner



and on the basis of confessional statement of co-accused, the petitioner has been implicated in this case due to village politics. The petitioner has no concern with the vehicle or the recovered liquor. The petitioner has two criminal antecedents in which he is on bail.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 Exclusive Special Judge Excise Court No. II, Muzaffarpur in Piar (Piyar) P.S. Case No. 180 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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