

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54621 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- BELA District- Sitamarhi

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Anil Kumar Rai Son of Biru Rai @ V. Ray, Resident of Village- Bishanathpur,
(Bishunathpur), P.S.- Dumra, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bela P.S. Case No.94 of 2023 dated 04.04.2023, lodged under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the F.I.R. has been lodged against two named accused persons. The petitioner was alleged to be the driver of Maruti car from which 214.5 liter of Nepali Soufi wine was recovered. The apprehended person has disclosed about the petitioner that he was the driver of the vehicle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that nothing was recovered from the possession



of the petitioner, his name has come in this case by virtue of the statement of the co-accused. He also submits that antecedent of petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that it has come in the rejection order of the court below that the petitioner was the car driver from which 214.5 liter Nepali Soufi wine has been recovered.

6. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Bela P.S. Case No.94 of 2023 to the satisfaction of learned Exclusive Special Excise Court No.1, Sitamarhi.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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