

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55102 of 2023

Arising Out of PS. Case No.-530 Year-2022 Thana- BIDUPUR District- Vaishali

CHANDAN RAI @ LALU KUMAR RAI son of Ram Ekbal Rai Village-
Saidpur Ganesh, PS- Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-08-2023 Heard Mr. Hemant Kumar, learned counsel for the

petitioner and Mr. Sanjay Kumar Sharma, learned Additional

Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Bidupur PS Case No. 530/2022 dated 03.10.2022 registered for

the offence punishable under Sections 30(a) of Bihar Prohibition
& Excise Act 2018.

3. The police on the basis of secret information

reached near the house of one Ram Iqbal Rai and others and

upon seeing the police party, two persons fled away and Ram

Iqbal Rai was apprehended. 70 litres of illicit country made

liquor was recovered from the house of apprehended accused

Ram Iqbal Rai.

4. Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the fact that he happens to be the son of Ram Iqbal Rai. Referring to seizure list, learned counsel further submits that the place being the house of Ram Iqbal Rai, from where the illicit liquor has been recovered is not mentioned in column-II of the seizure list, it has only been mentioned, the place of recovery of illicit liquor as Gram-Saidpur Ganesh, PS-Bidupur, District-Vaishali and not from the house of Ram Iqbal Rai. It has further been submitted that from perusal of the FIR it appears that the petitioner has been made accused on the basis of secret information received by the police and at the time of recovery of illicit liquor, no body has disclosed that the person who succeeded in fleeing away was the petitioner. No illicit liquor has been recovered from the conscious possession of the petitioner.

5. Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that name of the petitioner has come on the basis of secret information received by the police and in the seizure list it has not been mentioned that the illicit liquor has been recovered from the house of the petitioner, I am inclined to grant



anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, **CHANDAN RAI @ LALU KUMAR RAI** be released on anticipatory bail in the event of arrest or surrender within six weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I-cum ADJ, Vaishali at Hajipur in connection with Bidupur PS Case No. 530 of 2022, subject to the condition as laid down under Section 438(2) of the CrPC.

(Anil Kumar Sinha, J)

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