

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.55472 of 2023**

Arising Out of PS. Case No.-423 Year-2023 Thana- SARAIYA District- Muzaffarpur

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Ram Babu Rai Son Of Jawahir Rai Resident Of Village- Madarna, Ps-  
Vaishali, Distt-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      21-09-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner prayed for regular bail in  
connection with Saraiya P.S. Case No. 423 of 2023  
instituted for the offence under Sections 272, 273, 420,  
120(B)/34 of the Indian Penal Code and Sections 30(a),  
32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and  
Excise Act.

Prosecution case relates to recovery of total 4200  
litres illicit liquor was recovered from the Tanker. The  
petitioner was arrested on spot while one other co-accused  
managed to escape.

Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to dirty village politics. He has got no criminal antecedent. He has no concern with the alleged recovery of liquor nor vehicle in question belongs to him. Seizure list has not been prepared as per provision of Section 100 of the Cr.P.C. It is further submitted that nothing incriminating article has been recovered from his conscious possession. The petitioner is languishing in judicial custody since 06.07.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioner being driver of the alleged vehicle is directed to deposit a sum of **Rs 10,000/- (Ten Thousand)** in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saraiya P.S. Case No. 423 of 2023 on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No.II, Muzaffarpur.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 10,000/- (Rs. Ten thousand)** by the petitioner in the account of the concerned DLSA.

**(Sunil Kumar Panwar, J)**

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