

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56570 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- KALYANPUR District- Samastipur

VIJAY KUMAR RAI son of Ramkaran Rai Village- Morwa Mohanpur Ps-
Tajpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment Act).

3. Altogether 198 litres of foreign liquor from pick up
van which was parked in front of the house of co-accused Dilip
Rai.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner rather 198 liters of foreign
liquor is said to have been recovered from a pick up Van which
was parked near the house of co-accused Dilip Rai. Petitioner



has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. The petitioner has been made accused in the present case merely because he is the registered owner of the seized pick up van, which was sold by the petitioner to co-accused Dilip Rai on 25.04.2023, as mentioned in Para 7 of the bail application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the petitioner sold the seized pick up van to co-accused Dilip Rai prior to the alleged occurrence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kalyanpur P.S. Case No. 148 of 2023, subject to the condition



as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

