

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57280 of 2023

Arising Out of PS. Case No.-565 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Guddu Ray, Aged about- 48 years, Gender- Male, Son Of Gaya Rai, Resident
Of Village - Sultanpur, Police Station - Fatuha, District - Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Sanjeet Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Nagendra Prasad,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Ramkrishna Nagar P.S. Case No. 565 of 2022 registered
for the offence punishable under Sections 30(a), 32 (ii)(iii) and
41 of the Bihar Prohibition and Excise Act as amended up-to-
date.

3. As per the allegation made in the FIR, 142.5 litres
of foreign liquor was recovered from a *tempo* bearing
Registration No. BR01PL-1702, which is registered in the name
of one Triloki Rai.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Tempo bearing Registration No. BR01PL-1702 is registered in the name of one Triloki Rai, who has been granted bail by a co-ordinate Bench of this Court vide order dated 20.04.2023 passed in Cr. Miscellaneous No. 10240 of 2023. The petitioner was not aware of the consignment loaded on the tempo and being a driver he was only required to deliver the said consignment to the particular person on behalf of the owner of the *tempo*. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner as well as the fact that petitioner has clean antecedent, co-accused namely, Triloki Rai, in whose name the said *tempo* has been registered has already been released on bail by a co-ordinate Bench of this Court vide order dated 20.04.2023 passed in Cr. Miscellaneous No. 10240 of 2023. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 Special Judge, Excise Act, Patna in connection with Ramkrishna Nagar P.S. Case No. 565 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

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