

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56803 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- RAHUI District- Nalanda

Vinay Kumar Son Of Late Bindeshwari Yadav @ Late Bindeshwari Prasad
Resident Of Village- Jagtnandanpur, Ps- Rahui, Dist- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Anil Chandra, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Rahui P.S. Case No.236 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a confidential information with regard to the involvement of the petitioner in trafficking of illicit wine conducted a raid, however, on noticing the police party, the petitioner succeeded in fleeing after leaving his motorcycle at the place of occurrence. On search 30 liters of country made liquor has been recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern



with the motorcycle, which is said to have been recovered from the place of occurrence nor he has any connection with the illicit wine. He further submits that in fact on account of one past criminal antecedent of an identical nature, the name of the petitioner has been implicated in this case. He next submits that save and except the disclosure made by the local Chawkidar, there is not other material suggesting his complicity. That apart all the witnesses are police personnel and there are other infirmities in the search and seizure. He also submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying one criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that alleged recovery has been made from a public road and the petitioner has no concern with the motorcycle, which is allegedly seized by the police personnel, 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 four 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 the learned Additional District & Sessions Judge-II -cum-Special Judge Excise, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No.236 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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