

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57734 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- MAHUA District- Vaishali

Vijay Kumar S/O Asharfi Ray Resident of Village- Mirjanagar, P.S.- Mahua,
District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 157 of 2023, registered on 18.03.2023 for the offences under Sections 272, 273, 414/34 of the Indian Penal Code and Sections 30(a), 32(ii), 41(i) of Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 387.345 litres of Indian made foreign liquor was made from a mango orchard. A raid was conducted by the police on secret information about presence of petitioner and other co-accused persons who were dealing in the trade of illicit liquor. It is further alleged that the petitioner and other co-accused persons fled away from the spot



when the raid was being conducted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Nothing incriminating was recovered from the person or possession of the petitioner. It is apparent from the FIR that the name of the petitioner transpired in this case on the basis of secret information received by the police and the chaukidar. Apart from this, there is no cogent material to connect the petitioner with the alleged recovery. Learned counsel further submits that the petitioner is having one antecedent of similar nature and in that case also, the name of the petitioner surfaced on suspicion and he is on bail in the said case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the huge quantity of illicit liquor was recovered and the petitioner and other co-accused persons have been dealing in the trade of illicit liquor.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no any cogent material to connect the petitioner with the offence as alleged and further considering the possibility of false implication, let the petitioner above



named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2 -cum- Additional District & Sessions Judge, Vaishali at Hajipur/concerned court in connection with Mahua P.S. Case No. 157 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

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

