

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61434 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- LALGANJ District- Vaishali

Virendra Ray @ Birendra Prasad Yadav Son Of Bijli Ray Village- Nandlalpur
Salempur, Ps- Lalganj, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. 160.530 litres of foreign liquor has been recovered
from Bolero vehicle bearing registration no. BR-06P-1749.
Petitioner has been made accused in this case because petitioner
is the owner of the said vehicle.

4. It is submitted by the counsel for petitioner that
nothing has been recovered from possession of this petitioner
and petitioner has already sold the said vehicle to one Mantosh
Rai and Mantosh Rai has been granted anticipatory bail vide
order dated 28.07.2023 passed in Cr. Misc. No. 48269 of 2023



in which he has stated that the vehicle in question belongs to him. Petitioner has got one criminal antecedent of similar nature in which he is on bail as stated in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case and the fact that there is no recovery from conscious possession of the petitioner, 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 the learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 237 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure; subject to the further conditions that:

(i.) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii.) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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