

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58107 of 2023

Arising Out of PS. Case No.-403 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Ram Kumar Rai @ Surendra Kumar Son Of Late Sita Ram Ray Village-
Karanpur Utri Gerdu Tola, Ps- Bochaha, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bochaha P.S. Case No. 403 of 2023 dated 25.07.2023, instituted
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016 of the Indian Penal Code.

3. As per the case of prosecution, 1094 litres foreign
liquor has been recovered from the pickup vehicle bearing
Registration No. BR-07GB-7172.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that the said vehicle was parked in front of
house of the petitioner. It is also submitted that petitioner has no
concern with the aforesaid pickup vehicle. It is further submitted



that petitioner is neither the owner nor the driver of the said pickup vehicle. Petitioner has been made accused on the basis of secret information by the spy. Lastly, it has been submitted that he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Bochaha P.S. Case No. 403 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.I, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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