

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68599 of 2021

Arising Out of PS. Case No.-399 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

VIJAY RAI Son of Laxmi Rai Resident of Village - Bhawanipur Police
Station - Runisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate Mr. Sumit Jha, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 21-06-2023 Heard Mr. Ashok Kumar Jha, learned Counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks regular bail in connection with
Runisaidpur P.S. Case No. 399 of 2020, for the offence
punishable under Sections 30(a), 38(i)(ii) and 41 Bihar
Prohibition and Excise Act, 2016.

3. Learned counsel appearing on behalf of the
petitioner submitted that proper inquiry have been conducted by
the A.D.G. (Prohibition), Bihar, Patna, and reference has also
been made to the report submitted by the District Transport
Officer, Sitamarhi that huge quantity of liquor was loaded on
truck bearing Registration No. HR63D-8048 and said truck was



confiscated and, thereafter, it was sold in auction to one Sri. Prabhat Kumar, Village-Sirkhiriya, P.S-Mahindwara, District-Sitamarhi vide Memo No. 571 dated 18.02.2023 and the vehicle has been registered in his name. The new Registration No. of the vehicle is BR30GA-7540, Engine No. is E424CDJD209603 and Chassis No. MC2G3HRC0JC143216.

4. Learned counsel further submitted that provisional bail was granted to the petitioner vide order dated 20.05.2022. The name of the petitioner has come on confessional state of co-accused namely, Kumar Gaurav, who has already been released on regular bail vide order dated 16.08.2021 passed in Criminal Misc. No. 8337 of 2021.

5. Mr. Ajit Kumar, learned A.P.P. appearing on behalf of the State submitted that a report has already been submitted in the present case and serious steps have been taken by the Prohibition and Excise Department and its officials posted in the district of Sitamarhi. He further submitted that though the District Transport Officer, Sitamarhi, has given the new Registration No. of the said vehicle but no effort has been taken to verify the owner of the vehicle which was seized bearing Registration No. BR30GA-7540, Engine No. E424CDJD209603 and Chassis No. MC2G3HRC0JC143216 and the involvement



of the petitioner cannot be denied in commission of offence. On these grounds, he has opposed the bail application of the petitioner.

6. Having considered the rival submissions made by the respective parties as well as the report submitted by the authorities of the State Government, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The provisional bail granted to the petitioner vide order dated 20.05.2022 is hereby confirmed on similar terms and conditions as contained in order dated 20.05.2022.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

Niraj/-
Nilmani/-

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