

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61466 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- PATEPUR District- Vaishali

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DASHRATH RAI @ DASHRATH KUMAR RAI SON OF MAHENDRA
RAI RESIDENT OF VILLAGE- KHESHRAHI MURGIYA CHAK, PS-
PATEPUR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-10-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Patepur PS case no. 112 of 2023, disclosing
offences punishable under Sections 420, 120(B) of the Indian
Penal Code and 30(a), 32(ii), 41(i) of Bihar Prohibition and
Excise Act, 2016.
3. As per the First Information Report, the Police, on
the basis of secret information, intercepted some of the vehicles
and arrested two persons. The police recovered 4725.72 liters of
illicit English wine from the truck and also seized Yodha
Pickup, Mahindra T.U.V., Maruti Omni, Alto car, Santro car,
Wagon-R car, Honda car, white Wagon-R car, Livo Honda



motorcycle etc. Upon inquiry, arrested accused persons have disclosed names of 4-5 accused persons including petitioner herein and stated that the seized liquor belongs to them.

4. Learned Counsel for the petitioner submits that petitioner has got no criminal antecedent and he has falsely been implicated in the present case by the police on the basis of disclosure made by arrested co-accused persons. Referring to paragraph no. 12 of the present petition, learned counsel submits that none of the vehicles, from where illicit liquor has been recovered, belongs to the petitioner and moreover, no illicit liquor has been recovered either from the conscious possession of the petitioner or from his vehicle.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has neither been recovered from conscious possession of the petitioner nor the alleged vehicles belong to the petitioner, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 2, Vaishali at Hajipur in connection with Patepur PS case no. 112 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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