

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63982 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- BALIGAON District- Vaishali

Niraj Kumar, Male, aged about 22 years, Son Of Vinod Ray @Binod Ray,
Resident of Village- Lakhimpur (Lakhnipur) P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Bijay Bhushan Prasad, learned counsel

appearing on behalf of the petitioner and Ms. Asha Kumari,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Baligaon P.S. Case No. 81 of 2022 registered for the
offence punishable under Section 414 of the Indian Penal Code
and Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise
Act as amended up-to-date.

3. Allegation is of recovery of 599.76 litres of Indian
made foreign liquor from a Bolero vehicle bearing Registration
No. BR31P-0461. FIR is against unknown.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered



from the conscious possession of the petitioner. Bolero vehicle from which altogether 599.76 litres of Indian made foreign liquor was recovered, does not belong to the petitioner and the same can be verified from the District Transport Officer, Vaishali. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, which is against unknown persons and a specific statement has been made by the petitioner in paragraph no. 12 of the bail application denying ownership of the Bolero vehicle from which recovery was made, the District Court is directed to verify from the District Transport Officer, Vaishali, with respect to the ownership of the said vehicle within a period of one week. Till then no coercive steps against the petitioner.

7. If it is found that the said vehicle, from which total 599.76 litres of Indian made foreign liquor has been recovered does not belong to the petitioner as stated in paragraph no. 12 of the bail application, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 1 Cum Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Baligaon P.S. Case No. 81 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/-

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