

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70157 of 2023

Arising Out of PS. Case No.-934 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

NAND LAL RAI Son of Raghunah Ray R/o vill - Patiyasa, P.S. - Ahiyapur,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 934 of 2023 registered for the offences punishable under Sections 30 (a), 32(ii), 36, 41(i) (ii) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of total 578.880 litre foreign liquor and one Honda Shine motorcycle from the bamboo (orchard) near the house of Muslim Ansari. It is further alleged that apprehended co-accused Raju kumar disclosed that the said consignment was brought at the behest of the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. He further



submits that petitioner was not present at the place of occurrence. Petitioner has no concern with the alleged recovered liquor or vehicle. He further submits that the place of recovery is an open place which is accessible to all. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid sections.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 934 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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