

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76329 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- SAKRA District- Muzaffarpur

Ram Kumar Rai @ Rampukar Rai @ Ram Kumar Ray, Son of Dhaneshwar
Rai R/O Village - Muraul, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Ajay Kumar Tiwari, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Sakra P.S. Case No. 90 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Allegedly the police in course of patrolling intercepted a four wheeler Bolero vehicle, bearing registration no. BR06GA-0411. The search of the vehicle led to recovery and seizure of 1495 litres of foreign liquor. The apprehended person disclosed the name of the petitioner and others, as consignee of the illicit liquor.

4. It is submitted on behalf of the petitioner that the



petitioner has neither any concern with the Bolero vehicle nor with the alleged recovered illicit liquor. He further submits that save and except the disclosure made by the apprehended person, there is no other material suggesting the involvement of the petitioner in the present crime. Moreover, he has no criminal antecedent. He further submits that there are other serious infirmities in the search and seizure and the witnesses are non-else, but the police personnel.

5. On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of illicit foreign liquor has been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the Bolero vehicle nor with the alleged recovered illicit liquor, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Muzaffarpur in connection with Sakra P.S. Case No. 90 of 2023,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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