

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74847 of 2023**

Arising Out of PS. Case No.-934 Year-2020 Thana- ARARIA District- Araria

Rajendra Ray S/O Ram Shobhit Rai Resident Of- Bhagwanpur Paterha, Bhagwanpur, Vaishali, Ps. Sarai, Dist. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Smiti Bharti, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      04-12-2023      Heard learned counsel for the petitioner and learned A.P.P.  
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

3. Recovery of 275.5 liters of foreign liquor from a Pick-Up van bearing registration no. BR 04N 7838.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner has been falsely implicated in this case because he owns a vehicle with similar registration number and in this context it is stated that petitioner's vehicle has not been seized in this case. The allegation levelled against the petitioner is not specific rather gen-



eral and omnibus in nature. Learned counsel for the petitioner further submits that a Pick-UP van bearing registration no. BR 04N 7838 has been seized in connection with Bela P.S. Case No. 35 of 2023 for the offence 30(a), 32(ii), 41(i) of the Bihar Excise and Prohibition Act. The said vehicle was already seized by the police which was not released by the concerned authority. Petitioner has no concern with the seized liquor or vehicle. It is clear that co-accused (driver) Ramishwar Sahni used the petitioner's Pick-Up van registration no. illegally. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case, considering there is no overt act against the petitioner and clean antecedent of the petitioner, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection



with Araria P.S. Case No. 934 of 2020, subject to the condition  
as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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