

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72561 of 2023

Arising Out of PS. Case No.-579 Year-2023 Thana- MAHUA District- Vaishali

Rajeev Kumar Son of Late Suresh Rai, Resident of Village- Paharpur, P.S.-
Mahua, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection with Mahua P.S. Case No.579 of 2023 instituted under Sections 272, 273, 414/34 of the Indian Penal Code read with Section 30(a), 32(ii) (iii), 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is total recovery of 807.480 liter of country made foreign liquor from the Bolero van in which the driver of the vehicle was apprehended who has disclosed the name of petitioner and others involved in the illegal liquor business.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, he was neither present on the spot nor apprehended. He further submits



that petitioner is not the owner or the driver of the siezed vehicle and he has no concern with the seized liquor. Learned counsel submits that except the confessional statement of the co-accused there is no material against the petitioner. He further submits that the petitioner has one criminal antecedent and he was made accused in the said criminal case on the same date of occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Exclusive Excise Court No.2, Vaishali at Hajipur in connection with Mahua P.S. Case No.579 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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