

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6432 of 2024**

Arising Out of PS. Case No.-495 Year-2019 Thana- KHAJEKALA District- Patna

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Anil Rai @ Anil Kumar S/o Sitaram Rai R/o Diwan Muhalla, Sirdhi Ghat,  
P.S. - Khajekalan, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      09-02-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with  
Khajekalan P.S. Case No. 495 of 2019, Special Case No. 10288  
of 2019 registered for the offences punishable under Section  
30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, informant got secret  
information that petitioner is carrying the illicit liquor and on  
receipt of information, informant and police official proceeded  
and during the course of search, 157.200 litre was recovered  
from wooden cart.

4. Learned counsel for the petitioner submits that  
petitioner is in custody since 22.12.2023 and he has been  
remanded in the present case from Khajekalan P.S Case No. 539



of 2019. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that petitioner is not apprehended on spot. The name of petitioner transpired in the present case on the basis of secret information but the source of secret information has not been divulged in the FIR. Petitioner has falsely been implicated in the present case on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has falsely been implicated in the present case.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on 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 Exclusive Special Court Excise, Patna City in connection with Khajekalan P.S. Case No. 495 of 2019, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

vashudha/-

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