

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34576 of 2024

Arising Out of PS. Case No.-479 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Lakhu Rai @ Rama Nand Kumar @ Lakhu Kumar Rai Son Of Awadhesh Rai
Resident Of Village - Chakki, P.S.- Gaighat, (Benibad O.P.) Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Gaighat P.S. Case No. 479 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Acting on a tip of, the police intercepted a Tata
Magic bearing Registration No. UP84AT-0318. On search, total
1347.840 liters of Indian made foreign liquor was recovered.
Some of the villagers disclosed that the vehicle was brought by
the petitioner along with 2-3 unknown persons leading to the
institution of the FIR.

4. Learned Advocate for the petitioner contended that



the petitioner has neither any concern with the vehicle, in question, nor with the alleged recovered illicit wine. Moreover, the petitioner is a man of fair antecedent and there is no other material suggesting any complicity of the petitioner in the present crime save and except the suspicion raised by the villagers. Referring to the FIR and the seizure list, learned counsel for the petitioner further contended that even the name of the villagers has not been disclosed as to who has divulged the name of the petitioner and others. It is lastly contended that be that as it may, the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner has neither any concern with the vehicle, in question, nor with the illicit wine, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.-III, Muzaffarpur in connection with Gaighat P.S. Case No. 479 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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