

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35085 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Jitendra Rai @ Jitendra Ray Son of Late Suraj Rai Resident of Village-
Kalwari Madhuban, P.S- Kanti , Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2022 in connection with Excise P.S. Case No.241 of 2024.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of ten cases and allegation is of recovery of 7662.6 liters of liquor from six vehicles as detailed in the FIR.

4. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from the conscious possession and he is neither the owner nor the driver of the alleged seized vehicle and he came to implicated based on secret information which is the easiest way to implicate someone. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner without disclosing the identity of the person who disclosed the name of the petitioner, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.II, Muzaffarpur in connection with Excise P.S. Case No.241 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is further made clear that the learned trial court



shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than ten cases, then also the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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