

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38575 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- JAYNAGAR District- Madhubani

Rajesh Ray @ Rajesh SON OF RAJENDRA RAY Resident of Village
-Enarva P.S. -Khajuri Marar District -Dhanusha Nepal

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 76 of 2023 corresponding to G.R. No. 309 of 2023 registered for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, altogether 454.140 litre Nepali liquor was recovered from four motorcycles in question. Apprehended co-accused Ajit Kumar Thakur disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that except disclosure of co-accused, there is nothing on record to



demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner was not present at the place of occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is not owner of any of the seized motorcycles in question. Petitioner bears criminal antecedent of one case in which he is on bail. Seizure list has not been made as per the law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Additional Sessions Judge -II-cum-Special Judge Excise Act, Madhubani in



connection with Jaynagar P.S. Case No. 76 of 2023,
corresponding to G.R. No. 309 of 2023, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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