

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38419 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- NAYAGAON District- Saran

Prakash Ray Son of Lal Babu Rai @ Lalu Rai Resident of Village -
Bariyarchak (Hasilpur), P.S.- Nayagaon, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Opposite Party/s : Mr.Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

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

2. The petitioner is apprehending his arrest in
connection with Nayagaon P.S. Case No. 47 of 2024 instituted
for the offences under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

3. As per prosecution case, in short, is that, 165 liters
of country-made liquor and 5500 liters of raw materials were
destroyed from *Diara* area at Mahmud Chowk.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. The name of the petitioner has come into
light on the basis of disclosure made by local villagers, which



has got no evidentiary value in the eyes of law. Petitioner has no concern with the alleged recovery of liquor and the place of occurrence does not belong to him. No incriminating article has been recovered from the conscious possession of the petitioner. It is next submitted that the petitioner has got two criminal antecedents. Petitioner has no knowledge regarding the alleged occurrence. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Nayagaon P.S. Case No. 47 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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