

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38795 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

=====

Rikki Kumar Ray @ Ricky Kumar Son of Binod Ray Resident of village-
Mahmadipur, P.S.- Mohiuddinnagar District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Mohiuddinnagar P.S. Case No. 34 of 2024, registered for the alleged offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, on receiving secret information about two persons carrying illicit liquor on a motorcycle, the police reached at the spot. Two persons started fleeing away from the spot on seeing the police party and one of them was apprehended, who disclosed the name of this petitioner, who made his good escape. From the motorcycle, 15 liters of country made liquor was recovered.



04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case as no recovery has been made from this petitioner either from his person or possession. The petitioner has no concern either with the seized liquor or with the seized motorcycle and there has been no occasion for the petitioner for being involved in sell, purchase and storage of illicit liquor. The petitioner is having criminal antecedent of one case, in which, he is on bail, moreover, the said case is not of similar nature.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the person or possession of this petitioner, whose name transpired in the confessional statement of co-accused and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge (Excise)-02, Samastipur/concerned court in connection with Mohiuddinnagar P.S. Case No. 34 of 2024,



subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

