

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40541 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- TAJPUR District- Samastipur

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Ram Balak Ray Son Of Late Thithar Rai Resident Of Village - Dhaidh,
Bishanpur Abri, Ward No.7, Police Station - Khanpur, District – Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 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 Tajpur P.S. Case No. 207 of 2023, registered on 20.04.2023, for the alleged offences under Sections 30(a), 41(i) (ii) of Bihar Prohibition and Excise (Amendment) Act, 2022.

03. As per prosecution case, on receipt of secret information about unloading of illicit liquor from a pick up van, a raid was conducted at the identified place and three persons fled away from the spot. On search of the vehicle, recovery of 898.23 liters of India made foreign liquor was made.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.



Learned counsel further submits that the vehicle of the petitioner was stolen in the night of 16.04.2023 and on 17.04.2023, he informed the police, but no FIR was registered. The police also informed the Insurance Company and Claim No. 7211989216 was registered. The petitioner has no concern with the illicit trade of liquor and has no involvement in the whole occurrence. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner is having antecedent of two cases, in one case he has been acquitted and in another case he is on bail.

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 theft of the vehicle of the petitioner and absence of material to show the involvement of the petitioner in the alleged offence, 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 Excise Court-2, Samastipur in connection with Tajpur P.S. Case No. 207 of 2023, 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)

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