

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41758 of 2024**

Arising Out of PS. Case No.-157 Year-2023 Thana- CHACKMEHSI District- Samastipur

Ram Bahadur Rai @ Rai Bahadur Rai S/o Javahar Ray R/o Village-Namapur
Kheri,P.S.- Chakmehsi, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection
with Chakmehsi P.S. Case No. 157 of 2023 instituted for the
offences under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 284
litres of foreign liquor was recovered from two motorcycles and



a pickup vehicle.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused Ram Babu Rai. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor driver of the vehicle in question. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has four criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner has got three criminal antecedent of similar nature of offence and, therefore, does not deserve the privilege of bail.

6. Having considered the rival contention of both the parties and taking into consideration the involvement of the petitioner in similar nature of offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer is rejected. However, liberty is granted to the petitioner to surrender before the learned Court



below and seek regular bail before the learned Court below
itself and the learned Court below shall consider the same
without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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