

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48439 of 2024

Arising Out of PS. Case No.-639 Year-2024 Thana- Excise P.S. District- Patna

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Anil Rai S/O Khudhi Rai R/o Mohalla-Kila Ghat,P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 639 of 2024 registered for the offences punishable under Sections 30(a)/56(b) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 90 liters illicit Chulai liquor from the dicky of a Scooty bearing Regd. No. BR01DP-4459.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional



statement of the co-accused. The petitioner has no concern with the alleged Scooty or the seized liquor. The petitioner was not arrested on the spot as well as he was also not present at the place of occurrence. Nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused namely Vicky Ray @ Vicky Kumar has been granted regular bail by this Court vide order dated 20.04.2024 passed in Cr. Misc. No. 30096 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or 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/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with Excise
P.S. Case No. 639 of 2024, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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