

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44601 of 2024

Arising Out of PS. Case No.-571 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Suresh Rai @ Suresh Kumar Rai @ Suresh Ray Son Of Banke Ray Village-
Ginjas, Ps- Jaitpur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 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 Excise P.S. Case No.571 of 2024, registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act.

03. As per prosecution case, police received information about petitioner and other co-accused persons illegally storing illicit liquor near a *peepal* tree. A raid was conducted but no miscreant could be apprehended and 2-3 persons fled away from the spot. From the search of the place, recovery of 157.320 litres of illicit foreign liquor was made.

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

Learned counsel submits that from the F.I.R. itself it is apparent that no offences under Section 30(a) of the Bihar Prohibition & Excise Act is made out against the petitioner as nothing incriminating has been recovered from person or possession of this petitioner. Even no one identified the petitioner as the person who fled away from the spot. Merely on the basis of information received by the police, the petitioner has been made accused in this case. Further, the petitioner has no concern either with the seized liquor or the place from where the recovery has been made and the said place is an open place and is accessible to all. Petitioner is having one criminal antecedent in which he is on bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the petitioner is having antecedent of similar nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the distinct lack of material against the petitioner to show his involvement and further considering 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) each with two

sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, Excise Court No.-II, Muzaffarpur in connection with Excise P.S. Case No.571 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)

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