

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52192 of 2024

Arising Out of PS. Case No.-218 Year-2021 Thana- WARISNAGAR District- Samastipur

RAM NARESH RAI @ RAM DARESH RAI SON OF SHIV NANDAN RAI
R/O VILLAGE -GOHI TARA GOHI PS- WARISHNAGAR DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Warish Nagar P.S. Case No. 218 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Excise and Prohibition Act, 2022 as amended.

3. As per prosecution case, altogether 871.125 litre of illicit liquor was recovered from the house of co-accused Raj Kumar Rai and Pick-up Van in question.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, name of the petitioner has been surfaced in this case as an owner of one of the seized motorcycles bearing



Registration No. BR-33U-6884. He further submits that no incriminating article has been recovered from the said motorcycle. Petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that the alleged recovery has been made from the house of co-accused Raj Kumar Rai and petitioner being neighbor of the said co-accused has falsely been implicated in the present case. Petitioner bears criminal antecedent of one case which is not similar to the present case and the petitioner is on bail on the said case. Learned counsel orally submits petitioner is not in any way connected with any other vehicle except the motorcycles bearing Registration No. BR-33U-6884. He further submits that co-accused Manish Kumar has already been granted anticipatory bail by the Co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing. Petitioner was not found at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Samastipur in connection with Warish Nagar P.S. Case No. 218 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

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

