

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56233 of 2024**

Arising Out of PS. Case No.-587 Year-2023 Thana- MOTIHARI MUFASIL District- East  
Champaran

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Akshay Rai @ Akshay Kumar Son Of Heeralal Rai @ Hira Rai Village-  
Basman (Basmanpur) Bhawanipur, Ps- Muffasil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Karandeep Kumar, Advocate  
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      04-09-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 587 of 2023, registered on 16.08.2023 for the offences under Sections 30(a), 32, 41(i) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about petitioner and his co-accused father storing and selling illicit liquor from their house. A raid was conducted and recovery of 53.440 litres of country made Nepali liquor was made from the house of the petitioner. The co-accused father of the petitioner was apprehended whereas the petitioner fled away



from his house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No recovery was made from the conscious possession of the petitioner and his name came up in this case on saying of the informant as well as confessional statement of co-accused father of the petitioner but it is not believable that the father would name his son for being involved in the offence of selling illicit liquor. Moreover, the house belongs to the father of the petitioner and petitioner could not be fastened with liability of recovered illicit liquor. The petitioner is having criminal antecedent of one case of similar nature.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery has been shown from the house of the father of the petitioner who has already been apprehended and further considering that no recovery has been made from the person or possession of the petitioner and lack of material showing involvement of the petitioner, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 01, East Champaran at Motihari/concerned court in connection with Muffasil P.S. Case No. 587 of 2023, subject to the condition as 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)**

DKS/-

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