

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71276 of 2024

Arising Out of PS. Case No.-330 Year-2021 Thana- ARWAL District- Jehanabad

Lalan Ray @ Neta Ji, S/o Kapildev Ray, R/o Village- Mahima Gopinathpur
Basraj (Baruraj), P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-12-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Arwal P.S. Case
No. 330/2021, registered for the offences punishable under
Section 30(a)/33/41 of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor,
where, there is recovery of 4000 litres of Spirit from the truck
bearing registration no. JH-12C7630, where two co-accused



persons who are the driver and cleaner were arrested on the spot.

4. Learned counsel appearing on behalf of the petitioner submitted that name of this petitioner disclosed by driver and cleaner of the truck like other accused persons who were made accused on the basis of their disclosure. It is submitted that petitioner is not the owner of the truck and he not appears connected in any manner with recovered spirit. It is submitted that similarly situated co-accused person, namely Munna Kumar @ Munna Kumar Chaudhary was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 67748 of 2022 dated 09.12.2022. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact that save and except suspicion, *prima facie* nothing appears incriminating against petitioner, where similarly situated co-accused person has



already granted anticipatory bail by one of the learned co-ordinate Bench of this Court, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-II, Excise, Jehanabad/concerned Court, where the case is pending in connection with Arwal P.S. Case No. 330/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions that:-

- (i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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