

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77962 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- Excise P.S. District- Vaishali

1. VAKIL RAI Son of Rudal Rai Resident of village - Terasiya, Ward No.- 8 (Ward No.- 13 mentioned in FIR), Police Station - Ganga Bridge, District - Vaishali.
2. Sujit Rai Son of Jagdish Rai Resident of village - Terasiya, Ward No.- 8 (Ward No.- 13 mentioned in FIR), Police Station - Ganga Bridge, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Dubey
For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-11-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Hajipur Excise Police Station Case No. 253 of 2023, dated 04.04.2023, disclosing offence under Section 30(a)/32(1)&(3)/41(1)&(2) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police, on secret information that in a Bolero car illicit liquor is being transported, intercepted the car and apprehended the driver. Upon search, total 300 liters of country made illicit liquor has been recovered from the



said car. The apprehended person disclosed the name of the petitioners and other, who handed over the said car to the driver.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of disclosure of their names by the driver of the vehicle, from where illicit liquor has been recovered. He next submits that illicit liquor has not recovered from the conscious possession of the petitioners. Referring to para-6 of the bail application, learned counsel submits that the Bolero car, from where illicit liquor has been recovered, does not belong to the petitioners.
5. Regards being had to the submission advanced by learned counsel for the parties and taking into consideration the fact that the petitioners are not the registered owner of the Bolero car and illicit liquor has not been recovered from the conscious possession of the petitioners, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (II) -cum- Additional District and Sessions Judge, Hajipur, Vaishali, in connection with Hajipur Excise Police Station Case No. 253 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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