

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2683 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Hira Rai @ Heera Mandal @ Hiralal Rai, Son of Nageshwar Rai @ Nagesar Ray, Resident of Village-Sisbarh, PS-Phulparas, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Bhairav Asthan P.S. Case No. 44 of 2023, registered on 31.03.2023 for the offences under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, recovery of 2410.560 litres of Indian made foreign liquor was made from a number of vehicles parked in a bamboo plantation. The name of the petitioner transpired during investigation along with two other co-accused persons who were instrumental in bringing the liquor by a truck.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the name of the petitioner transpired on the basis of confessional statement of co-accused persons. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of any of the vehicles. The petitioner has no connection with the land from where the seizure has been made. Similarly placed co-accused persons, namely, Prabhakar Mishra and Sanjiv Kumar Thakur have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.06.2023 passed in Cr. Misc. No. 36977 of 2023 and order dated 23.06.2023 passed in Cr. Misc No. 36891 of 2023, respectively. Petitioner is accused in three other cases but he is on bail in all these three cases.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation coupled with 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



bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani/court concerned in connection with Bhairav Asthan P.S. Case No. 44 of 2023, subject to the conditions 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)

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