

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11395 of 2025

Arising Out of PS. Case No.-426 Year-2023 Thana- LALGANJ District- Vaishali

=====

Lalu Rai @ Lalu Kumar, S/o Upendra Rai, R/o village- Yusufpur, P.S.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Adv. Mr. Rajeev Ranjan, Adv.
For the Opposite Party/s :		Mr. Binod Kumar No. 3, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-04-2025 Heard Ms. Bela Singh, learned counsel for the

petitioner and Mr. Binod Kumar No. 3, learned APP for the

State.

2. The petitioner apprehends his arrest in
connection with Lalganj P.S. Case No. 426/2023 dated
07.12.2023 registered for the offences punishable under sections
30(a)(e) and 33 of the Bihar Prohibition & Excise Act ('in short
'Excise Act').

3. As per the prosecution story, the informant along
with his police team, acting upon a secret information,
intercepted a Magic Van and upon searching the said vehicle, a
total of 525 litres of spirit like material, kept in 15 gallons each
containing 35 litres, was recovered.

4. The main submissions advanced by petitioner's



counsel are that the petitioner has been made an accused mainly on the basis of suspicion and as per the prosecution, a total of 525 litres of spirit like material kept in 15 gallons was allegedly recovered from a magic vehicle but the petitioner has no connection to the said vehicle and the same does not stand registered in his name and in this regard, a specific statement has been made in the petition. It is further submitted that as per the prosecution story, the petitioner was driving the alleged vehicle containing the spirit but in this regard, there is no cogent material except suspicion and secret information received by the police at that time and merely on that basis, the petitioner has been made accused. It is lastly submitted that one co-accused Sanoj Kumar @ Sanoj Rai, carrying criminal antecedents of 4 cases and also carrying similar nature of allegation like the petitioner, has been granted bail by a co-ordinate Bench of this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 26776 of 2024.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR. The petitioner is named in the FIR and the instant matter relates to the recovery of huge quantity of spirit like material and the



provisions of section 76(2) of the Excise Act completely bars the relief of anticipatory bail and in view of the incriminating circumstances appearing against the petitioner, it can not be said that the alleged offences under Excise Act do not even *prima facie* attract against him and further, the petitioner has remained accused in 5 cases, which have been shown as his criminal antecedents in the paragraph No. 3 of his petition, most of which relate to the offence of Excise Act and further, the investigation in the present matter is pending. Considering these facts, this Court is not persuaded to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

annu/-

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

