

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31933 of 2025

Arising Out of PS. Case No.-541 Year-2023 Thana- Excise Thana Hajipur District- Vaishali

Akhilesh Rai @ Akhilesh Kumar S/o Batta Rai @ Badda Ray R/o Village-
Diwantok, P.S.- Gangabridge, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashish Kumar Ranjan, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Excise Hajipur P.S. Case No. 541 of 2023 registered for the alleged offences under Sections 30(a), 32(1)(3), 41(1)(2) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about smuggling of illicit liquor by a red colour Alto car. During search, this vehicle was seen coming in fast speed and on seeing the police party, the driver tried to flee away leaving behind the vehicle but he was apprehended and recovery of 200 litres of country made liquor was made from the vehicle. The apprehended co-accused named this petitioner and others being his associates who provided him the illicit



liquor.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner has no concern with the seized car or the recovery shown from the said car. Petitioner is having antecedent of three cases.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner appears to be habitual offender and is accused in three cases including two under the Excise Act. At this stage learned counsel for the petitioner submits that petitioner is on bail in all the cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner whose name came only in the statement of co-accused and also considering the lack of substantive material against the petitioner coupled with possibility of false implication, let the petitioner named above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Exclusive Special Excise Court-II, Vaishali at Hajipur/ court concerned in connection with Excise Hajipur P.S. Case No. 541 of 2023, subject to the condition laid down under section 482(2) of the B.N.S.S. 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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