

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32112 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- RAGHOPUR District- Vaishali

Vinod Rai S/o Chulhai Rai R/o vill - Bahrapur, P.S.- Rustampur, Distt.-
Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sudish Kumar
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Raghapur P.S. Case No. 125 of 2024 registered for the offence punishable under Sections 272, 273, 414 of the IPC and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, informant got secret information that petitioner is carrying illicit liquor on a stolen motorcycle towards Rustampur Ghat. On the said information, informant along with other police officials reached at the spot. It is alleged that after seeing the police team petitioner managed to escape leaving behind the motorcycle in question. It is further alleged that 130 litre illicit country made liquor was recovered



from the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that source of information has not been disclosed in the FIR. Petitioner is not owner of the seized motorcycle in question. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. He further submits that because of criminal antecedent, petitioner has been falsely implicated in this case. Seizure list has not been made as per law. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court-IInd cum District & Additional Sessions Judge, Hajipur, Vaishali in connection with Raghapur P.S. Case No. 125 of 2024, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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