

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43437 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- DALSINGHSARAI District- Samastipur

Raju Ray S/o- Ramsakal Ray R/O- House of 03, Bihar Keshri Road,
Vidyapatnagr, Post- Baridih, P.S.- Jamshedpur, Dist- East
Singhbum(Jharkand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Dalsinghsarai P.S. Caswe No. 19 of 2025 registered for the offences punishable under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, on the basis of secret information that three persons are taking foreign liquor in Sumo Victa vehicle bearing registration No. JH-05-BB-8123 police reached at the place of occurrence. One Sanjeet Kumar was apprehended at the place of occurrence and other two persons managed to flee away. There is alleged recovery of 150 ml foreign liquor from the vehicle in question. F.I.R. has been



lodged against three co-accused and owner of the vehicle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Learned counsel orally submits that petitioner is not named in the F.I.R. and his name has surfaced during course of investigation as the owner of the Sumo Victa vehicle in question. From the F.I.R. itself, it appears that there is allegation that the persons present in the vehicle were taking foreign liquor. Petitioner was not found at the place of occurrence. Petitioner has been falsely implicated in this case merely because he is owner of the Sumo victa vehicle in question. There is recovery of a meager quantity of 150 ml illicit foreign liquor and petitioner being owner of the vehicle has nothing to do with the alleged occurrence. The recovery is of a meager quantity of 150 ml and it can be very well presumed that the same was for consumption of the persons who were present at the place of occurrence and petitioner is not in any way connected with the alleged occurrence. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise



Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise 01, Samastipur in connection with Dalsinghsarai P.S. Case No. 19 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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