

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79466 of 2024

Arising Out of PS. Case No.-385 Year-2024 Thana- GARKHA District- Saran

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Dharmendra Rai @ Ajay Kumar Rai Son of Vijay Rai Resident of Village-
Sadhpur, P.S.- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Md. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-04-2025 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a),
36, 38, 41 of Bihar Prohibition and Excise Act.

3. From the perusal of the F.I.R., as also from the
seizure list, it would appear that 783.90 ltrs., of foreign
liquour was recovered from the Bolero pickup vehicle and
two persons, namely, Birendra Kumar and Hritik Kumar
were apprehended on the spot.

4. Learned counsel for the petitioner submits that
the name of the petitioner has surfaced in this case on the



disclosure made by the two apprehended persons. As a matter of fact, there is no recovery from the physical or conscious possession of the petitioner and also the seizure list has not been prepared in presence of any independent witness. Further one of the accused in the present case has already been granted bail vide order dated 23.10.2024 passed in Cr. Misc. No. 76595 of 2024.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that the petitioner has also been made accused in two cases. In response to which the learned counsel for the petitioner submits that he is on bail in both the cases.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Garkha P.S. Case No. 385 of 2024 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section



482 (2) of the B.N.S.S., 2023, subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail and the verification process shall be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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