

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83681 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- Excise P.S. District- Siwan

Harendra Ray S/O Late Dinanath Ray Resident of Village - Kali Tola Sughari,
P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Maharajganj Excise P.S. Case No. 132 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, the police received secret information about petitioner and co-accused Suresh Ray storing and selling illicit liquor from their house. A raid was conducted and two persons tried to flee away from the spot on seeing the police party. The person carrying a plastic sack fled away leaving behind the sack and another persons was apprehended. The apprehended person is co-accused Suresh Ray and on search of his house, from the courtyard, recovery of 60.480



litres of foreign liquor and 30 litres of *chulai* liquor was made. From the sack thrown away by another persons, stated to be the petitioner, recovery of 34.560 litres of foreign liquor was made.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of petitioner transpired in the case on the basis of confessional statement of co-accused Suresh Ray, which has got no legal sanctity. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner has got no concern either with the co-accused or the seized liquor. For the aforesaid reasons, no offence under the provisions of Bihar Prohibition & Excise Act is made out against the petitioner. Moreover, the co-accused, Suresh Ray, has been granted regular bail by this Court vide order dated 23.10.2024 passed in Criminal Misc. No. 76203 of 2024. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of material to show the involvement of the petitioner in the



occurrence as alleged and further considering the possibility of false implication, let the petitioner above named, 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 Exclusive Special Excise Court No.-II, Siwan/concerned court in connection with Maharajganj Excise P.S. Case No. 132 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure 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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