

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87862 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- BALIGAON District- Vaishali

Chanchal Rai Son of Madan Rai @ Madan Prasad Ray Resident of Village -
Pipri, P.S. - Sakra @ Sakara, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Baligaon P.S. Case No. 144 of 2024 for the offence under Section 317(5) of BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Total 12 litres of illicit liquor has been recovered from the car of one Sanjeet Kumar who has been arrested on the spot and the present petitioner is alleged to have been accomplice of Sanjeet Kumar who is alleged to be the owner of the car.

4. Learned counsel for the petitioner submits that the petitioner has no concern with this case and he has falsely been implicated in this case, his name has come in this case on the confessional statement of co-accused Sanjeet Kumar. Counsel



further submits that he has no concern with the seized vehicle from which the illicit liquor is alleged to have been recovered and the proper procedure of search and seizure has not been followed in this case. Counsel also submits that the petitioner is neither the owner nor the driver of the alleged vehicle.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1- Cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Baligaon P.S. Case No. 144 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail



bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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