

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29666 of 2014

Arising Out of PS.Case No. -142 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-SARAN

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Kamlesh Rai, Son of Motilal Rai, Resident of Village - Tetarpur, P.S.-
Khaira, District - Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 21-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Excise Case No. 142 of 2013 registered for the offences
punishable under Section 47(a) and (f) of the Excise Act, seeks the
privilege of pre-arrest bail.

Acting on a tip off, raid was conducted and
manufacturing unit of illegal country made liquor was unearthed
and Raj Nath Rai was arrested wherein, it has been alleged that the
petitioner succeeded in fleeing away. About 35 quintals of swollen
Mahua and 300 litres of illicit country made liquor were recovered
with apparatus.

Submission is that the petitioner has not been arrested at

the spot. He has got no concern with that place or that business. The name of the petitioner has come only on suspicion. There is no signature of petitioner on seizure list. The alleged recovery is from lonely place for which the petitioner has no concern and on the basis of confessional statement of the co-accused, the name of the petitioner has been mentioned in the prosecution report that the petitioner is a labourer of co-accused, Raj Nath Rai, to which the learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the name of the petitioner has come in the confessional statement of co-accused and he is not claiming the place of occurrence as his own and as such, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Excise Case No. 142 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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