

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22341 of 2018

Arising Out of PS. Case No.-4 Year-2017 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Hari Yadav @ Hari Rai, S/o Late Rambilash Rai, Resident of Village- Balia
Indrajeet, P.S.- Bochaha, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through Economic offence Unit, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Dr.Mrityunjaya Kr. Gautam

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Economic
Offence P.S. Case no. 4 of 2017 registered under Section 30(a),
32 (1), 38(1) of Bihar Prohibition & Excise Act-2016.

768 lts. of foreign liquor is said to have been
recovered from a truck and Maruti van and six accused persons
were apprehended. One of the apprehended accused namely,
Vishnu Rai divulged the name of the petitioner in the
occurrence.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern either with the seized liquor or with any trade of liquor. He was not apprehended on the spot. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Vishnu Rai. Though, he has been implicated in eight more cases under Excise Act merely on the basis of his confessional statement, but he is on bail in the aforesaid cases barring one. He has been languishing in custody since 15.01.2018. Similarly situated four co-accused persons have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 14.06.2017 passed in Cr. Misc. no. 26495 of 2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Economic Offence P.S. Case no. 4 of 2017.

(Prakash Chandra Jaiswal, J)

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