

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48104 of 2018

Arising Out of PS.Case No. -163 Year- 2018 Thana -DARIYAPUR District- SARAN

=====

Shailesh Rai, Son of Late Sipahi Rai, resident of Village- Ibrahimpur, P.S.-
Dariyapur, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Prem Kumar Jha

=====

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

ORAL ORDER

2 07-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 467, 468 and 471 of the Indian
Penal Code and Sections 30 and 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3552 litres of foreign liquor is said to have been
recovered from a truck and from the ground near the truck parked
at the brick kiln of Balwant Singh and several persons managed to
escape from the said place taking the benefit of murk. One of the
villagers claiming anonymity divulged that the petitioner and
Kunal Rai managed to escape on pickup van from the said place.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or vehicle in question or place of recovery. He has been falsely implicated in the case at the instance of his enemies and due to dirty village politics. He was not apprehended on the spot. The identity and genuineness of the source of information has not been mentioned in the written report. There is violation of Section 100 Cr.P.C. He has been languishing in custody since 11.06.2018. Similarly situated co-accused, namely, Kunal Rai has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 01.08.2018 passed in Cr. Misc. No. 46800 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Addl. Sessions Judge, Saran at Chapra in connection with Dariyapur P.S. Case No. 163 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

U		T	
---	--	---	--

