

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2650 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -DEORIYA District- MUZAFFARPUR

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Rajesh Rai S/o Ramadhar Rai, R/o Village- Sohansa, P.S.- Deoriya District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Parmanand Prasad

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

ORAL ORDER

2 23-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Deoriya
P.S. Case no. 31 of 2017 registered under Sections 272, 273, of
the Indian Penal Code and Sections 30(A)/35(A)/38 of Bihar
Prohibition and Excise Act-2016.

781.20 kts. of foreign liquor is said to have been
recovered from the plot of Shambhu Rai located behind the
poultry farm of the petitioner and said Sambhu Rai and Ram
Adhar Rai were arrested at the spot while two persons managed
to escape and on the statement of Shambhu Rai and Ram Adhar
Rai, the name of the petitioner has surfaced in the case.

It is submitted by learned counsel for the petitioner that



no incriminating article has been recovered from his conscious physical possession. The petitioner has neither any concern with the place of occurrence nor with the seized liquor. He has been falsely implicated in the case by one Shambhu Rai who is having grudge with him. Said Shambhu Rai, Ram Adhar Rai and Raj Kumar have been enlarged on bail by a different co-ordinate Bench of this Court vide order dated 25.08.2017 passed in Cr. Misc. no. 36747 of 2017, order dated 25.08.2017 passed in Cr. Misc. no. 40380 of 2017 and order dated 12.12.2017 passed in Cr. Misc. no. 58563 of 2017 respectively. The petitioner has been languishing in custody since 04.12.2017.

Considering 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/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Deoriya P.S. Case no. 31 of 2017.

(Prakash Chandra Jaiswal, J)

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