

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40139 of 2018

Arising Out of PS.Case No. -68 Year- 2018 Thana -SAHARGHAT District- MADHUBANI

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Rakesh Rai Son of Anant Rai resident of Village - Balba, P.S. Madhawapur,
District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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

ORAL ORDER

3 24-07-2018 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 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

Petitioner along with two other accused persons are
said to have been carrying 249 litres of Nepali liquor in the bag
from the Akharaghat river and Saroj Rai was apprehended while
two other accused persons including the petitioner managed to
escape. Saroj Rai divulged that the said liquor is hailing to the
petitioner. Petitioner is also said to have extended threatening of
dire consequence to the police personnel in case of non-release of
the apprehended accused.



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 with the place of recovery. Place of recovery is open place and is easily accessible to anyone. He has been falsely implicated in the case by Saroj Rai due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He never extended threatening of dire consequence to anyone and he has no concern with the aforesaid occurrence. Petitioner was not apprehended on the spot. He has been languishing in custody since 30.05.2018. Aforesaid Saroj Rai has been enlarged on bail by this court vide order dated 16.07.2018 passed in Cr. Misc. No. 40655 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 Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 68 of 2018 (G.R. No. 566 of 2018)

(Prakash Chandra Jaiswal, J)

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