

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17438 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -ECONOMIC OFFENCES, BIHAR District -
PATNA

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Hari Rai @ Hari Yadav S/o Late Rambilash Rai, R/o Village- Balia
Indrajeet, P.S.- Bochaha, District- Muzaaffarpur.

.... 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 : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner, learned
counsel for Economic Offence Unit and learned APP for the State.

The petitioner seeks bail in Economic Offence P.S.
Case No. 05 of 2017, Special Case No. 1194 of 2017 registered
under Sections 272, 273, 467, 468, 471, 414 and 120(B)/34 of the
Indian Penal Code and Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

19 litres of foreign liquor is said to have been
recovered from Innova car and two persons, namely, Tajindra
Singh and Nishan Singh @ Sonu were apprehended from the said
car and on their disclosure, 3819 litres of foreign liquor is said to
have been recovered from the truck. Nishan Singh @ Sonu



divulged the name of 11 persons including the petitioner to whom the sample of the liquor loaded on the car was to be displayed to procure order for the liquor.

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 seized vehicle 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 barring the confessional statement of said accused Nishan Singh @ Sonu. Though eight more cases under Excise Act have been lodged against the petitioner on the basis of his confessional statement recorded by the police, but he has been enlarged on bail in the aforesaid cases. Similarly situated co-accused namely Anil Singh @ Anil Kumar has been enlarged on bail by this court vide order dated 17.04.2018 passed in Cr. Misc. No. 21948 of 2018. The petitioner has been languishing in custody since 15.01.2018.

Learned senior counsel for the Economic Offence Unit opposed the prayer for bail submitting that the petitioner is a habitual offender and liquor trader. He gets the liquor supplied on order. Though there is no direct evidence against the petitioner,



but confessional statement of Nishan Singh @ Sonu who happens to be supplier of the liquor had divulged the name of the petitioner in the occurrence. Petitioner is also having criminal antecedent. Hence, he does not deserve bail.

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 Special Judge, Excise, Patna in connection with Economic Offence P.S. Case No. 05 of 2017 Special Case No. 1194 of 2017.

(Prakash Chandra Jaiswal, J)

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