

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4754 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -MASRAKH District- SARAN

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Lallan Rai @ Lalan Prasad @ Lalan Prasad Rai, Son of Munshi Rai,
Resident of Village- Asoiyan, P.S.- Marhowrah, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-02-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in anticipation of his arrest in connection with Mashrakh P.S. Case No. 102 of 2017 dated 13.04.2017 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and under Sections 30(A), 38 and 41 of the Bihar Prohibition of Excise Act, 2016.

The informant of this case had received secret information that a huge consignment of spirit is being taken on a pick-up van and the owners of the aforesaid spirit are also escorting the pick-up van on a Scorpio vehicle. On chase, the pick-up van was apprehended and one of the persons who was arrested viz. Kuber Tiwary disclosed that the entire consignment had been



supplied by the petitioner. From the pick-up van, 2200 litres of spirit kept in 11 drums were recovered.

Learned counsel for the petitioner has submitted that an absolutely a false case has been lodged against the petitioner who has been a councillor of the area since 2002. It has further been submitted that around the same time when this case was registered, the petitioner was also made accused in another case of similar nature with similar type of allegation. In the aforesaid case which was lodged earlier, the petitioner was granted anticipatory bail.

Thus, apart from the statement given by one of the persons apprehended from the pick-up van, there is no other material to connect the petitioner with the crime. It has also been argued on behalf of the petitioner that if such information was provided by aforesaid Kuber Tiwary, in all fairness, the house of the petitioner also ought to have been raided. The petitioner, it has been asserted, is absolutely unconnected with the aforesaid recovery of the liquor.

Considering the aforesaid facts, the petitioner above named is directed to be released in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on



furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Sessions Judge, Saran at Chapra in connection with Mashrakh P.S. Case No. 102 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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