

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16187 of 2018

Arising Out of PS.Case No. -390 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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Mukesh Kumar Rai, Son of Siyaram Rai, Resident of Village- Gadi
Mohanpur, P.S.- Patori, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. N.P. Sinha, Sr. Advocate.
Miss Rashmi Bharti, Advocate.

For the Opposite Party/s : Mr. Rajballabh Singh, APP.

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

ORAL ORDER

3 30-04-2018 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 302, 307, 324, 325, 332, 333,
353/34 of the Indian Penal Code, Section 27 of the Arms Act and
Sections 45, 47, 30(a) and 38(1) of the Bihar Prohibition and
Excise Act, 2016.

As per the prosecution case, accused persons were
transporting huge quantity of liquor by vehicles in question and on
interception by the police, they resorted firing upon the police
party resulting into death of one Hawaldar while making other
police personnel injured and the miscreants managed to escape
taking benefit of murk and two vehicles in question and huge



quantity of foreign liquor are said to have been recovered.

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 vehicles in question. He has also no concern with the occurrence. He is not named in the F.I.R. He was not apprehended on the spot. He is simply said to have picked up the accused Radhe Rai from the place of occurrence in his vehicle along with other accused persons including Gauri Shankar Rai and said Gauri Shankar Rai has been enlarged on bail by learned lower court. Though two more cases under Excise Act have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 06.12.2017.

On the other hand, learned APP citing the Para-62 and 200 of the case diary has opposed the prayer for bail and submitted that the petitioner along with other accused persons had facilitated the escaping of the main accused Radhe Rai from the place of occurrence, 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 Additional Sessions and District Judge-VI cum Special Judge, Excise Act, Samastipur in connection with Tajpur P.S. (Halai O.P.) P.S. Case No. 390 of 2017.

(Prakash Chandra Jaiswal, J)

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