

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3400 of 2019

Arising Out of PS. Case No.-705 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rajesh Kumar Rai @ Rajesh Kumar Ray @ Rajesh Kumar (Male) aged about
32 years, son of Baleshwar Rai @ Baleshwar Rai Resident of Village- Kajiya
Vishanpur, P.S.- Tajpur (Waini O.P.), District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in
connection with Samastipur (Muffasil) P.S. Case No. 705 of
2018 registered under Sections 272, 273 of the Indian Penal
Code and 30(a), 36, 38, 41, 47 of the Bihar Prohibition and
Excise Act, 2016 pending in the court of learned 3rd Additional
Sessions Judge cum Special Judge, Excise, Samastipur.

Learned counsel for the petitioner submits that the
petitioner has got clean antecedent, however his name has been
involved in the present case at the instance of the co-accused
who was arrested at the spot by police party.

Learned counsel submits that so far as this petitioner
is concerned, he is neither the owner of the Haiwa Truck or the



motorcycle nor the recovery of alleged illicit liquor has been made from the premises of the petitioner. It is submitted that under the garb of the provision of Bihar Excise and Prohibition Act, the petitioner has been involved by the co-villager who had inimical term with the petitioner.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

In the given facts and circumstances of the case considering that the petitioner has got clean antecedent and that his name has transpired in the confessional statement of the co-accused but neither the vehicles in question belonged to the petitioner nor the recovery is made from any property of this petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum Special Judge, Excise, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 705/2018, subject to condition that petitioner shall join investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation,



failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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