

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12954 of 2019

Arising Out of PS. Case No.-680 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Rajkumar @ Rajiya, Son of Late Raghunath Rai @ Ragunath Rai, Resident of
Village- Chailaha Amwa Tola, P.S.- Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 11.01.2019
in a case registered for the offences punishable under Sections
273 and 273 of the IPC and Sections 30(a), 38(2) and 41(1) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the self statement of S.I.,
Sudhir Kumar submitted to the Station House Officer,
Turkauliya (Banjariya) Police Station, is to the effect that on
13.10.2018, a secret information was received that illicit liquor
has been stored in newly constructed Panchyat Sarkar Bhawan,
situated in Sareh. Whereupon, a raid was laid and 308.820 litres
of I.M.F.L. (Indian Made Foreign Liquor) were recovered. The



local chowkidar suggested that the co-accused Parwej Alam was seen with his Scorpio vehicle at the place of occurrence, who is involved in the business of illicit liquor from before. It is further alleged that the name of the petitioner sprang up as he was the liner in the said business.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. It is further submitted that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.01.2019 passed in Cr. Misc. No.77180 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up as a person, who participated in the storage of the illicit liquor.

Considering the suspicious nature of accusation and similarly situated co-accused granted bail by the Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be



released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 7th **Additional Sessions Judge-cum-Special Judge of Excise, Motihari, East Champaran** in connection with **Turkauliya (Banjariya) P.S. Case No.680 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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