

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17336 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- DARIYAPUR District- Saran

RAJ KISHORE RAI S/o Kanhaiya Rai Resident of Village- Tarwan
Mangarpal, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 19.02.2018 in a case registered for the offences punishable under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 4294 litres of Indian Made Foreign Liquor were recovered from a truck while the consignment was being unloaded from the truck near a river side. From the spot, one Shailesh Kumar was apprehended, who disclosed the name of several persons who escaped from the scene, including the name of the petitioner.

It is submitted by learned counsel for the petitioner



that apart from the confessional statement of co-accused, Shailesh Kumar no cogent material has been collected against the petitioner during investigation. It is further submitted that similarly situated co-accused Raushan Kumar Gupta, whose name also sprang up on the basis of confessional statement of apprehended co-accused Shailesh Kumar, has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 11.02.2019, passed in Criminal Miscellaneous No. 7619 of 2019, while co-accused Shailesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 01.02.2019, passed in Criminal Miscellaneous No. 5749 of 2019.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of the confessional statement of co-accused.

Considering the fact that material on record does not suggest the recovery from the conscious physical possession of the petitioner, the petitioner was not apprehended on the spot and similarly situated person has been granted bail, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional



Sessions Judge-cum-Special Judge, Saran at Chapra, in
connection with Dariyapur P.S. Case No.8 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

