

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43511 of 2019

Arising Out of PS. Case No.-244 Year-2019 Thana- GARDANIBAG District- Patna

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MUKESH RAI @ MUKESH KUMAR Son of Sri Asha Rai Resident of
Village - Mirampur, P.S.- Raghopur, Distt - Vaishali at present Pathar Gali,
Janta Road, Gardanibagh, P.S.- Gardanibagh, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Vinod Shanker Modi

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

ORAL ORDER

3 13-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Section 30(a)/34 of the Bihar Prohibition and
Excise Amendment Act.

Informant seized one bottle each of the foreign
liquor from the possession of two apprehended accused persons
who disclosed that they had purchased the aforesaid liquor
from the petitioner Mukesh Rai who is engaged in storing and
vending huge quantity of liquor and on the disclosure of the
aforesaid apprehended accused persons, police raided the house
of the petitioner Mukesh Rai and seized sale proceeds of liquor
worth Rs.14,33,300/- from his house.



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 any trade of liquor. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the disclosure made the apprehended accused persons due to animosity. Seized money is not sale proceeds of the liquor and is not hailing to the petitioner rather it is the advance money taken by the grandmother of the petitioner for executing her land in favour of Ash Narayan Rai and for release of the aforesaid money grandfather of the petitioner has filed CWJC No. 14419 of 2019 in this Court and in the aforesaid case his grand-father has also stated that petitioner is not resident of his house rather occasionally visits his house being his grand-son.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna in connection with Special Case No. 3723 of



2019, Gardanibagh P.S. Case No. 244 of 2019, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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