

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49716 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- PIPRA District- East Champaran

1. SURESH RAI @ SURESH YADAV, aged about 30 years(M) Son of Nepal Rai
2. Sipahi Rai @ Sipahi Yadav, aged about 28 years(M), Son of Mohar Rai
Both Residents of Village- Bajhiya Kala, P.S.- Kotwa (Bhopatpur O.P.),
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-08-2019 Heard both sides.

The petitioners apprehend their arrest in Pipra P.S.
Case No.41 of 2019 registered under Sections 272, 273, 414 of
the Indian Penal Code and Section 30(a) of Bihar Prohibition
and Excise Act.

The police intercepted a motorcycle on information
that two persons were coming on a motorcycle bearing
registration No.BR05F-6758 and they were carrying liquor.
After seeing the police, pillion rider managed to flee away. The
motorcyclist was apprehended who disclosed his name as
Ravindra Yadav. 220 pieces each containing 200 ml. total 44
liters country made liquor was recovered. Ravindra Yadav



disclosed the name of petitioner No.1, Suresh Rai @ Suresh Yadav who managed to flee away in sugarcane field. Ravindra Yadav further disclosed that he has purchased the liquor from Sipahi Rai @ Sipahi Yadav, petitioner No.2.

The learned counsel for the petitioners submits that Ravindra Yadav was carrying the liquor and he falsely implicated both the petitioners but it appears that police also saw one person carrying bag of liquor on the motorcycle. When the police intercepted the motorcycle, the person who was carrying the bag, managed to flee away through the sugarcane field but Ravindra Yadav who was driving the motorcycle was apprehended and disclosed the name of Suresh Rai, petitioner No.1 as person who managed to flee away.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner No.2, Sipahi Rai is concerned, nothing has been recovered from his possession and his name figured in the case on the disclosure made by Ravindra Yadav that he purchased liquor from Sipahi Rai but the house of Sipahi Rai was not searched nor anything was recovered.

Taking into consideration the facts aforesaid, let the



petitioner No.2, Sipahi Rai @ Sipahi Yadav, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, Excise Act, Motihari, East Champaran in connection with Pipra P.S. Case No.41 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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