

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61359 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- RAIYAM District- Darbhanga

RAHUL KUMAR MISHRA @ GANESH MISHRA, aged about 26 years,
Male, Son of Krishnanand Mishra, Resident of Village - Nayagaon, P.S.-
Raiyam, Dist.-Darbhanga ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Brisketu Sharan Pandey, Adv.
For the Opposite Party : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
G.O. Case No. 652 of 2019 (Raiyam P.S. Case No. 27 of 2019)
for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information
about keeping the liquor by the petitioner at burning ghat in
village Raiyam, the informant, along with other police officials,
reached there, then, saw one person fleeing away towards north
direction while he was chased, but, he succeeded to flee away
taking the advantage of darkness. On search, 42 bottles, each
containing 750 ml, 68 bottles, each containing 375 ml and 48
bottles, each containing 180 ml of Indian made foreign liquor
recovered.

The submission of the learned counsel for the
petitioner is that it would appear from the first information



report that the petitioner was not apprehended on spot nor the name of the petitioner has been disclosed by the persons who claimed to have identified the petitioner fleeing away from the place of occurrence. In fact, the petitioner has been made accused in Raiyam P.S. Case No. 25 of 2018 in similar nature of case, due to that reason the police implicated the petitioner in the present case also.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with G.O. Case No. 652 of 2019 (Raiyam P.S. Case No. 27 of 2019) shall 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 Additional District Judge II-cum-Special Judge, Excise, Darbhanga, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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