

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58990 of 2019

Arising Out of PS. Case No.-54 Year-2017 Thana- GAIGHAT District- Muzaffarpur

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NARESH KUMAR @ NARESH RAI, aged about 34 years, Male, Son of
Rampukar Rai, Resident of Village- Susta Dakshinwadi Tok, P.S.- Gaighat
(Benni Bad O.P.), District- Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

2 18-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Tr. No. 153 of 2018, arising out of Gaighat P.S. Case No. 54 of
2017 for the offences alleged under Sections 272, 273 and 120B
of the Indian Penal Code and 30(a), 35(a), 38 and 41 of the
Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty, the
informant and other police personnel received the secret
information about keeping the illicit liquor by Ram Pukar Rai,
informant, along with other police officials, reached at the house
of Ram Pukar Rai. On search, 58 cartons, each containing 204
bottles of 180 ml Indian made foreign liquor, recovered
concealing in the wood log in a hut situated behind the house of
Ram Pukar Rai. On search of house of Ram Pukar Rai,
Kangress Kumar was apprehended, who disclosed that seized
liquor was carried by Naresh Rai (petitioner).

The submission of the learned counsel for the



petitioner is that it would appear from the perusal of the first information report that seized liquor was not recovered from the house of the petitioner rather the same is said to be recovered from a hut situated behind the house of the petitioner and Kangress Kumar, brother of the petitioner, was apprehended from the house and not from the hut. Petitioner has no criminal antecedent.

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 Tr. No. 153 of 2018, arising out of Gaighat P.S. Case No. 54 of 2017 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 Special Judge, Excise, Muzaffarpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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