

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60059 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- BASANTPUR District- Siwan

RAJESH KUMAR RAY Son of Late Fulena Ray Resident of Village -
Dabchhu, P.S.- Basantpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-10-2019

Heard both sides.

The petitioner apprehends his arrest in Basantpur P.S. case No. 353 of 2018 registered under Section 272, 273, 308/34 of the IPC and u/s 30(A), 41 (i) of the Bihar Prohibition and Excise Act.

The informant intercepted a mini bus and arrested Ajay Kumar, driver, and Jaiprakash, cleaner of the vehicle. From the bus huge quantity of Indian made foreign liquor including spirit was recovered. The driver disclosed that one Fauji called him on his mobile from mobile No. 9780713059 and asked him to transport the spirit from Rohtak to Bihar.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. Only four persons, the driver and cleaner, who were arrested on the spot, owner of the mini bus and Fauji were named in the FIR but during the course of investigation the I.O. arrested one Pramod Kumar Rai and took his confessional statement in paragraph 78 of the case diary. Pramod Kumar Rai is said to have confessed that he along with Arbind Rai, Bipul Rai, Dinesh Rai, Rajesh Kumar Rai, the



petitioner, Ramesh Rai, Ashok Rai are indulged in transportation of spirit. It is further submitted that save and except confessional statement of Pramod Kumar Rai there is no material to show the involvement of the petitioner. Ashok Kumar Rai, whose name also surfaced in the confessional statement of Pramod Kumar Rai, has already been granted anticipatory bail vide order dated 23.07.2019 passed in Cr. Misc No. 21795 of 2019 and the case of petitioner stands on same footing.

Taking into consideration the facts aforesaid and the fact that name of the petitioner surfaced in the case in the confessional statement of one co-accused and save and except confessional statement there is no other material to show the involvement of the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Basantpur P.S. case No. 353/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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