

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.69612 of 2018**

Arising Out of PS. Case No.-182 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Rakesh Kumar, Son of Mahavir Sah, Resident of Village-Jagdishpur Kushahi,  
Police Station-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                                       |
|----------------------------|---|-------------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Pradhan Murli Manohar Prasad, Adv.<br>Mr. Raju Kumar Goswami, Adv.<br>Mr. Pramod Kumar Singh, Adv |
| For the Opposite Party/s : |   | Smt. Anusuiya Jaiswal, APP                                                                            |

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      03-01-2019                      Heard learned counsels for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since 23.09.2018 in a case registered for the offences punishable under sections 272, 273 of the Indian Penal Code and Sections 30(a), 33(i) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is based on self-statement of S.I. Shyam Narayan Prasad, Motipur Police Station to the effect that on being received secret information to the effect that a truck having registration number of Nagaland is carrying liquor, a raid was led and 3202.28 litres of illegal foreign liquor was recovered. The driver and the cleaner, who were



apprehended on the spot have disclosed their names as Arjun Rai and Sudhir Kumar, respectively. The apprehended accused persons also disclosed that they were carrying the liquor to Vishwanath Sao. During course of investigation, the petitioner's name sprang up as a person to whom the liquor was to be supplied.

It is submitted by learned counsel for the petitioner that neither the recovery has been made from the petitioner nor the driver nor the cleaner has named the petitioner. In fact, the petitioner is not named in the FIR, but the learned Sessions Judge has committed an error on the record by recording in the impugned order to the effect that the petitioner is named in the FIR. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner's name has sprang up as one of the beneficiary.

Considering the fact that neither the informant of the case has named the petitioner in the self-statement nor the driver and the cleaner have named the petitioner at initial stage, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned  
Special Judge Excise Act, Muzaffarpur, in connection with  
Motipur P.S. Case No.182 of 2018.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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