

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5193 of 2020

Arising Out of PS. Case No.-409 Year-2017 Thana- BAKHTIYARPUR District- Patna

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SURAJ RAI Son of Ramdeo Rai Resident of Nayatola Raghapur, P.S.-
Bakhtiyarpur, District-Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Sudish Kumar, Advocate.
For the State : Mr. Kalyan Shankar, A.P.P.

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

ORAL ORDER

3 11-06-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Bakhtiyarpur P.S. Case No.409 of 2017 registered under
Sections 147, 148, 149, 341, 323, 307, 353, 332, 224 and 225 of
the Indian Penal Code besides Sections 30(a), 38 and 45 of the
Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving the secret
information about moving of 3-4 persons with liquor after
getting down from Vilaspur-Pana Express Train towards Naya
Tola Raghapur, the informant along with other police personnel
reached near the orchard, situated at village-Naya Tola
Raghapur, then saw 3-4 persons in a group coming towards the



railway track, talking to each other. Out of them, one person had bag in his hand. On seeing the police party, they started to flee away leaving the bag but, on chase, two persons were apprehended, who disclosed their name as Santdas Rai and Suraj Rai (petitioner). From the bag thrown by them, 200 pouches, each containing 200 ml. country made liquor, were recovered. Before the action could have been taken against the caught hold persons by the police, they started creating nuisance and on the alarm being raised by them, 50-60 villagers gathered there and they managed to get set freed the aforesaid caught hold persons. The informant came to know from the different sources the name of 15 persons indulged in getting the caught hold persons set freed.

Learned counsel for the petitioner submits that, in fact, the petitioner was moving near the railway track, while some persons were also moving there. Thereafter, on seeing the police party, all started to flee away and then the petitioner also started to flee away. While they were chased but they succeeded to flee away. The petitioner has falsely been implicated in this case only on the recovery of the aforesaid pouches, kept in a bag, containing country made liquor. The petitioner has no criminal antecedent.



Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, 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 the Special Judge, Excise, Patna, in connection with Bakhtiyapur P.S. Case No.409 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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