

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6650 of 2020

Arising Out of PS. Case No.-305 Year-2019 Thana- KALYANPUR District- East Champaran

MD. RUSTAM @ MD. RUSTAM ALI @ MD. RUSTAM SAI S/o Ahamad
Sai @ Ahamad Sah R/o village- Dilawarpur, P.S.- Keshriya, District- East
Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Kalyanpur P.S.
Case No.305 of 2019 registered under Sections 272, 273 and 34
of the Indian Penal Code and under Sections 30(a) and 41(i) of
the Bihar Prohibition and Excise Act.

The police on information intercepted a container and
arrested the driver and cleaner of the container. 3447 litres of
liquor was recovered from the container. The driver, Rajesh
Kumar disclosed the name of the petitioner and one of the
arrested accused, namely, Kumod Das disclosed that the
consignment belonged to co-accused Manoj Rai, Vikash Singh
@ Mintu Singh, Nitish Rai, Narayan Sah, Raj Kumar Sah,
Ranjeet Singh and Ajay Ram.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on account of village politics. Nothing has been recovered from possession of the petitioner. The name of the petitioner surfaced in the case only on the confessional statement of co-accused Rajesh Kumar. The other co-accused, namely, Ajay Ram has already been granted anticipatory bail vide order passed in Cr.Misc.No.7927 of 2020. The case of the petitioner stands on the same footing.

It appears that nothing has been recovered from possession of the petitioner. Save and except the fact that the name of the petitioner surfaced in the case in the confessional statement of the driver of the container, who was carrying liquor, there is no material to show the involvement of the petitioner. Similarly situated co-accused has already been granted anticipatory bail.

Having considered the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned 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 furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge-cum-



Special Judge, Excise, East Champaran, Motihari in connection with Kalyanpur P.S. Case No.305 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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