IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33776 of 2020

Arising Out of PS. Case No.-155 Year-2020 Thana- BAHERI District- Darbhanga

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Rakesh Kumar @ Rakesh Kumar Roy, Son of Late Ram Chandra Ray, Resident of Village - Manipur, Police Station - Warisnagar, District - Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-12-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner is accused in connection with Baheri P.S. Case No. 155 of 2020, registered under Section 30(a) of the Bihar Excise Act, 2016.

The accusation is that on receiving secret information about dealing of illicit liquor in huge quantity by

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Kunj Bihari near pandav Line Hotel, the informant along with other police personnel reached there on 24.06.2020 at about 3 A.M. then found that two boys came boarding on motorcycle, which was stopped near the hotel. On query, both boys identified as Kunj Bihri and Dilip Kumar. In the meantime, a white colour Scorpio also came there and thereafter, Kunj Bihari sat on that Scorpio vehicle and thereafter, Scorpio vehicle moved in back side and thereafter, motorcycle was also proceeded with that direction. On giving signal to stop the Scorpio vehicle then the persons sitting on the Scorpio vehicle started to flee away but on chased they were apprehended. On query, the driver of the Scorpio vehicle disclosed his name as Bikash Kumar Singh @ Pappu Singh. Thereafter, another Pickup Van baring registration no. BR07G 7453 also came there then the same Van was intercepted. On query, the driver of the Pickup Van disclosed his name as Rakesh Kumar (petitioner) and co-driver also disclosed his name as Manish Kumar Singh. On search, 27 cartoons containing 324 pic of 180 ml and 31 cartoons containing 1488 pic of 750 ml in the volumn of 510.840 litres Indian made foreign liquor recovered from the Pickup Van. While on search of Scorpio Vehicle, nothing has been recovered but Bikash Singh was found in possession of

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Rs.50,000/-.

Learned counsel for the petitioner submits that petitioner is only driver of the Pickup Van, from which, the alleged Indian made foreign liquors are said to be recovered and he had no knowledge about keeping the illicit liquor in the Pickup Van. It is further submitted that petitioner has no criminal antecedent and is in custody since 19.08.2020.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Darbhanga, in connection with Baheri P.S. Case No. 155 of 2020. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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