

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81882 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- HATHAURI District- Muzaffarpur

VIMLESH RAI S/O Nand Lal Ray Resident of Village - Maksudpur, P.S.-
Minapur, District – Muzaffarpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 272, 273 & 120 B of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

1306.800 liters of foreign liquor is said to have been recovered from a truck which was kept inside the cartoon of the sleeper.

It is submitted by learned counsel for the petitioner that the petitioner has no concern either with the seized liquor or with the truck in question or any trade of liquor. Petitioner was not apprehended at the spot. He has been falsely implicated in the case on the confessional statement of one co-accused Ajay Kumar which has no evidentiary value in



the eye of law. No offence under Excise Act has been made out against the petitioner. He has no criminal antecedent. Similarly situated co-accused, namely, Mukesh Rai @ Mukesh Kumar and Jalandhar Rai have been enlarged on bail by different co-ordinate bench of this Court vide order dated 03.07.2019 and 27.11.2019 passed in Cr. Misc. Nos. 22599 of 2019 and 70756 of 2019 respectively.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, subject to showing receipt of deposit of Rs.5000.00 (Rupees Five Thousand) in the Juvenile Justice Fund of the State Social Welfare Department and on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Hathauri P.S. Case No. 13 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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