

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26191 of 2021

Arising Out of PS. Case No.-353 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAHUL RAI @ RAHUL KUMAR Son of Vinod Rai @ Vinod Ray Resident
of Village - Near Chhapki Pokhar, Chaknoor, P.S.- samastipur (Muffasil),
Distt.- 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 : APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 323, 333, 335,
341, 353, 504, 147, 148, 149, 225 and 120B of the Indian Penal
Code and sections 30(a), 32(2) and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, on information having
been received about large quantity of liquor being transported
on a truck, a raid was conducted. Seeing the police personnel
the accused persons made an attempt to escape but three of them
were caught. It is further stated that one of the accused namely
Swami Narayan disclosed the name of 12 other accused persons
including the petitioner herein who had managed to escape.



Large quantity of liquor was recovered from the truck in question.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. The only material against him is the statement of a co-accused made before police. The petitioner is in custody since 30.1.2021 and has no criminal antecedent. Charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner not having any criminal antecedent nor having been arrested at the spot, the Court directs the petitioner to be enlarged on bail in connection with Samastipur Mufassil P.S. Case no. 353 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Samastipur.

(Partha Sarthy, J)

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