

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41148 of 2020

Arising Out of PS. Case No.-40 Year-2019 Thana- RAGHOPUR District- Vaishali

RAJ KUMAR RAI Son of Ralfdeo Rai @ Kapaldeo Rai Resident of Village-
Rustampur Pachpeiya, P.S.- Rustampur (O.P. Raghopur), District- Vaishali, At
present resident of Mohalla- Gulmahiyachak (Sabalpur), P.S.- Deedarganj,
Distt- Patna. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Sahi, Adv.
Mr. Rudal Singh, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of regular bail in connection with Raghopur (Rustampur)
P.S. Case no. 40 of 2019 registered under sections 30(a), 32(iii)
of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, it is stated by the
informant that on a raid being conducted, the petitioner as also
his wife and daughter managed to escape. Search was conducted
and 949 litres of IMFL was recovered from the house of the
petitioner.

It is submitted by learned counsel for the petitioner
that the allegation of recovery is false and concocted. From
perusal of the FIR itself, the narration therein appears to be
unbelievable as it mentions that the wife and daughter of the



informant also managed to escape the raiding police party. It is submitted that the petitioner along with members of his family live in Patna while raid allegedly had taken place in the village. The petitioner is in custody since 9.8.2020 and so far as the wife and daughter of the petitioner are concerned, both have been enlarged on anticipatory bail, one of the orders having been brought on record as Annexure-3 to the petition.

The application for bail is opposed by learned APP for the State who submits that huge quantity of IMFL has been recovered.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the period in custody, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Raghapur (Rustampur) P.S. Case no. 40 of 2019 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- Excise Court, Vaishali at Hajipur.

(Partha Sarthy, J)

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