

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1127 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. NAND KISHORE RAI S/O GAGAN RAI RESIDENT OF VILLAGE-JAHANGIRPUR, P.S.-RUNNISAIDPUR AND DISTRICT-SITAMARHI.
2. VINESH RAI S/O UCHIT RAI RESIDENT OF VILLAGE-JAHANGIRPUR, P.S.-RUNNISAIDPUR AND DISTRICT-SITAMARHI.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate.
For the State : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 02.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

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

The petitioners apprehend their arrest in connection with Runnisaidpur P.S. Case No.91 of 2020 registered under Sections 30(a) and 30(g) of the Bihar Prohibition Excise Act, 2016.

The accusation is that in course of patrolling duty, the



informant along with other police personnel received secret information to the effect that Tapeswar Rai, Nand Kishore Rai (petitioner no.1), Kamlesh Kumar Rai and Mukesh Rai have kept the liquor in huge quantity in the hut of Mukesh Rai and Nand Kishore Rai (petitioner no.1) in village-Jahangirpur. Thereafter, the informant along with other police personnel proceeded for village-Jahangirpur and reached near the hut. On seeing the police party, Tapeswar Rai, Nand Kishore Rai (petitioner no.1), Kamlesh Kumar Rai, Mukesh Rai and Vinesh Rai (petitioner no.2) fled away and they were identified by the local Chowkidar. On search of the hut of Mukesh Rai, several bottles of liquor in the volume of 992.295 liters, were recovered, whereas from the hut of Kamlesh Kumar Rai, several bottles of liquor in the volume of 601.74 liters were recovered.

Learned counsel for the petitioners submits that both the petitioners were not apprehended on the spot. The name of the petitioner no.2 has been disclosed by the local Chowkidar due to dirty village politics and the petitioner no.1 has been implicated in this case being the father of co-accused Kamilesh Kumar Rai. Both the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their



arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Runnisaidpur P.S. Case No.91 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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