

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19324 of 2022

Arising Out of PS. Case No.-734 Year-2021 Thana- MAHUA District- Vaishali

Akhilesh Rai Son of Devendra Rai Resident of Village - Vishunpur Madhaul
Mahua, P.s.- Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20940 of 2022

Arising Out of PS. Case No.-734 Year-2021 Thana- MAHUA District- Vaishali

Mukesh Ray @ Mukesh Kumar @ Mukesh Kumar Ray Son of Laxman Ray
Resident of village - Mahua Singh Rae, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19324 of 2022)

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Md. Nazir Ansari

(In CRIMINAL MISCELLANEOUS No. 20940 of 2022)

For the Petitioner/s : Ms. Pratima Kumari

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 414 of the
Indian Penal Code and Sections 30(a), 32(ii), 34(ii) and 41(i) of
the Bihar Prohibition and Excise Act.



2919.480 liters of foreign liquor has been recovered from different vehicles standing near the house of Shyamnandan Rai. Allegation against the petitioners is that they fled away from the place of occurrence after seeing the police

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is further submitted that there is no recovery from the conscious possession of the petitioners. Petitioner, Akhilesh Rai has got no criminal antecedent and petitioner, Mukesh Ray @ Mukesh Kumar @ Mukesh Kumar Ray has got two criminal antecedents of similar nature as stated in paragraph-3 of the bail applications.

Petitioners are ready to deposit a sum of Rs.75,000/- (rupees seventy five thousand) **each** in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Taking into consideration the fact aforesaid and the fact that there is no recovery from the conscious possession of the petitioners, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a



period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No.734 of 2021, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be own blood relative of the petitioners, preferably, father, mother, brother, sister and/or their wife.

(ii) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(Anjani Kumar Sharan, J.)

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