

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45146 of 2022**

Arising Out of PS. Case No.-386 Year-2022 Thana- MADHAURAH District- Saran

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Dinesh Rai @ Dinesh Kumar Rai Son Of Shiv Mangal Rai @ Mangal Rai
R/O Village- Balua, P.S.- Doriganj, District- Saran, At Present R/O-
Amarawati Colony, P.S.- Chutia, District- Ranchi (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45812 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- MADHAURAH District- Saran

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Chandan Kumar @ Chandan Singh Son Of Late Rajeshwar Singh R/O
Village- Mithepur, P.S.- Garkha, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 45146 of 2022)

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 45812 of 2022)

For the Petitioner/s : Mr.Ram Binod Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and

learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks.

In the present case, the petitioner seeks bail in

connection with Madhaurah P.S. Case No. 386 of 2022



registered for the alleged offences under Sections 420, 467, 468 and 471 of the Indian Penal Code and Sections 30(a) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegedly, total 3051.360 litres foreign liquor was recovered from a number of vehicles. The apprehended co-accused driver disclosed the name of the petitioner Dinesh Rai, who handed him over the truck loaded with illicit liquor for transporting the same to co-accused Pankaj Singh. The petitioner Chandan Kumar was apprehended after chase when he tried to escaped from the spot on seeing the police.

The learned counsel for the petitioner Dinesh Rai submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He was apprehended merely on suspicion. The petitioner was named by the co-accused driver due to enmity. Except for the confessional statement, there is nothing against this petitioner. The petitioner Dinesh Rai is in custody since 13.07.2022. The petitioner is having criminal antecedent.

Learned counsel for the petitioner Chandan kumar further submits that the petitioner has got clean antecedent and he is innocent and has been falsely implicated in this case. Only one mobile phone was recovered from the possession of the



petitioner and there is no recovery of any incriminating material from his conscious possession. The petitioner has no concern with the alleged occurrence. The petitioner was merely a bystander and was apprehended on suspicion. The petitioner is in custody since 13.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that the petitioner Dinesh Rai was not apprehended from the spot and nothing incriminating has been shown to be recovered from his conscious possession and considering his clean antecedent and period of custody of the petitioners Chandan Kumar and Dinesh Rai and the submission of charge-sheet against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Madhaurah P.S. Case No. 386 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:



(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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