

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50008 of 2022

Arising Out of PS. Case No.-420 Year-2021 Thana- MAHUA District- Vaishali

Rakesh Kumar Rai, S/O Late Raj Narayan Rai, Resident of village- Alipur
Mukund, P.S.- Mahuwa, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Mahua P.S. Case No. 420 of 2021 registered for
the alleged offences under Sections 30(a), 32(ii), 34(ii), 38(ii)
and 41(i) of Bihar Prohibition and Excise Act and Section 414
of the Indian Penal Code.

As per prosecution case, from a container truck
recovery of 8812.590 litres of India made foreign liquor was
made but no one was apprehended from the spot. Later on the
name of the petitioner transpired as one of the accused persons
who was involved in the illicit trade of liquor in big way along



with other co-accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Learned counsel further submits that though the petitioner is the owner of the truck but he had instructed the driver to transport only legally permissible material. But the driver, without the consent of the petitioner, loaded the contraband articles. The petitioner is in custody since. 06.04.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the recovery of the huge quantity of liquor has been made from the truck belonging to this petitioner. Learned counsel further submits that the petitioner is having a long history of indulging in offences of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge sheet, the petitioner above named is



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 Additional Sessions Judge-cum-Excise Court No. 2, Vaishali at Hajipur in connection with Mahua P.S. Case No. 420 of 2021, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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