

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24847 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Rakesh Rai @ Rakesh Yadav Son Of Baidhnath Rai R/O Village- Samoul
Sahpur, P.S.- Mahindbara, District- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 420,
467, 468, 471, 120B/ 34 of the I.P.C. and Sections 30(a), 32(ii)
(iii), 36, 41(i)(ii) of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the allegation is of
recovery of 3508 litres of liquor from a truck and other vehicle
as detailed in the F.I.R. and Praveen Rathi and Sandeep Rana
were arrested.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted



that he is not the owner of the any of the seized vehicle and he came to be implicated based on confessional statement of co-accused in police custody, which does not have any evidentiary value.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Sitamarhi in connection with Mahindwara P. S. Case No.07 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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