

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66652 of 2023

Arising Out of PS. Case No.-424 Year-2023 Thana- SARAIYA District- Muzaffarpur

Mukesh Rai @ Mukesh Kumar S/O Birbal Rai Village- Jhakhra Shekh, PS.
Karja, Dist. Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Saraiya P.S. Case No. 424 of 2023 registered for the offences punishable under Sections 272, 273, 420, 120(b), 34 of the Indian Penal Code and Sections 30(a), 32(2), 32(3), 33, 41(1), 41(a) of the Bihar Excise and Prohibition Act. He has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 05.07.2023, the informant along with police force during vehicle checking intercepted one motorcycle and one Bolero Vehicle and apprehended Rahul Kumar, driver of the motorcycle and Deepan Rai, driver of the Bolero. On search total 300 liters of spirit was recovered from the Bolero. The apprehended accused



Deepan Rai disclosed that Umesh Sahni and Mukesh Rai (this petitioner) hired him for purpose of loading of spirit from the Bolero.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the statement of apprehended accused. It is further submitted that the petitioner is neither the owner nor the driver of the seized vehicles.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the name of the petitioner has transpired in the statement of apprehended accused Deepan Rai who disclosed that the vehicle in question was hired by co-accused Umesh Sahni and this petitioner, save and except that statement, there is no other material against this petitioner and further submission that the petitioner is neither the owner nor the driver of the alleged seized motorcycle and the Bolero, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Saraiya P.S. Case No. 424 of 2023 on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court-Ii, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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