

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67539 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- CHHATAUNI District- East Champaran

Rajesh Rai @ Rajesh Kumar S/O Ram Ayodhya Ray R/O Village-Motnaje, Ps
Chiraiya, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
36 liters of illegal liquor from a motorcycle.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner was not apprehended on spot.
The name of the petitioner has come into light on the basis of
confessional statement of co-accused Ravi Kumar, who
apprehended on spot, which has got no evidentiary value in the
eyes of law. He submitted that the petitioner has no concern



either with the seized vehicle or with the wine in question. No incriminating article has been recovered from the conscious possession of the petitioner. He is languishing in judicial custody since 27.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran (Motihari) in connection with Chhatauni P.S. Case No. 130 of 2023.

(Sunil Kumar Panwar, J)

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