

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53232 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- HALAI District- Samastipur

Rajesh Rai @ Tinku Rai @ Rajesh Kumar S/o Ram Swarth Rai R/o vill -
Kesho Narainpur (Nayar), P.s. - Halai, Distt. - Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Halai P.S.

Case No. 51 of 2024 registered for the offences punishable

under Sections 272 and 273 of the Indian Penal Code and

30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to

be engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 82.80 litres of IMFL/country

made liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the poultry farm of one Sona Singh, where petitioner was partner till 2023 and soon thereafter under the impression that said poultry farm, still being run by this petitioner he was falsely implicated with the present case, otherwise he is not connected with the said poultry farm in any manner and in view of said fact, recovery cannot be said to be made from the conscious physical possession of this petitioner. It is submitted that petitioner is a man of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances and by taking note of the fact that recovery of illicit liquor, prima facie, appears doubtful from the conscious physical



possession of this petitioner, who is a man of clean antecedent, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-02, Samastipur/concerned Court below where the case is pending in connection with Halai P.S. Case No. 51 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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