

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17481 of 2019

Arising Out of PS. Case No.-458 Year-2018 Thana- KHAJEKALA District- Patna

ARVIND RAY Son of Jaj Ray R/o Mohalla- Roy Jay Krishna Road, Gurhatta,
Behind of the Shop of Barfi Khatal, P.S.- Khajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arbind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Special Case No. 11652 of 2018 arising out of Khajekalan P.S. Case No. 458 of 2018**, instituted for the offence under Section(s) 30(a) of Bihar Prohibition & Excise Amendment Act, 2018.

Counsel for the petitioner submits that petitioner has not been apprehended on the spot. There is no recovery of any country made liquor from conscious possession of the petitioner.

It is alleged in the written report that Police intercepted one Tempo but driver and two persons sitting on the Tempo managed to run away. Police claimed to have identified the petitioner and other accused persons. It is further alleged that on search of Tempo, 560 litres of *Mahua* liquor was found loaded on the aforesaid Tempo. The driver of the tempo along with two persons sitting on the tempo managed to run away.



In this manner, none has been apprehended on the spot with aforesaid liquor.

Petitioner is in custody since 7.2.2019.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise, Patna, in connection with Special Case No. 11652 of 2018 arising out of Khajekalan P.S. Case No. 458 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

It is mentioned in paragraph-3 of the bail petition that one Excise case of Khajekala P.S. Case No. 357 of 2018 is pending against the petitioner. **Petitioner will file affidavit at the time of furnishing bail bonds that he will not indulge in such type of activity in future, failing which, the bail bonds of the petitioner in the instant case will liable to be cancelled.**

(Sanjay Priya, J)

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