

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8404 of 2020**

Arising Out of PS. Case No.-352 Year-2019 Thana- LALGANJ District- Vaishali

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Mukesh Rai @ Mukesh Ray S/o Mahendra Rai Resident of Village- Sararia,  
P.S.- Lalganj, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      09-07-2020                      The Court proceeding has been conducted through  
virtual mode.

Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in jail since 23.12.2019 in a  
case registered for the offences punishable under Section  
30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise  
Act, 2016, as amended by Act 8 of Amendment Act, 2018.  
Hence, prayer for bail has been made through the present  
application.

The prosecution case, as per the self statement of  
Inspector of Police Chittaranjan Thakur, Lalganj Police  
Station recorded on 8.10.2019 at 8.25 A.M., is to the effect  
that on the same day on the eve of Durga Puja, when the



informant was on patrolling duty to maintain the law and order, in the meantime, an information was received that liquor has been stored by co-accused Manoj Rai and Mukesh Rai (petitioner) in league with co-accused Pankaj Shukla and Jitendra Rai. Consequently, the house of the petitioner was raided and 944.28 litres of Indian Made Foreign liquor along with a country made pistol were recovered. For the recovery of the country made pistol, a separate FIR, being Lalganj P.S. Case No. 351 of 2019 was registered under Sections 25(1-B) a, 26 and 35 of the Arms Act.

It is submitted by learned counsel for the petitioner that recovery has been made from joint house of the petitioner and his brother, Manoj Rai. It is further submitted that co-accused Manoj Rai has been granted bail vide order dated 8.7.2020 passed in Cr. Misc. No. 1467 of 2020 by a Co-ordinate bench of this Court. The investigation has already been concluded. The petitioner is accused in two other cases lodged for the recovery of liquor and arms and apart from that he is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the house of the petitioner.

Considering the fact that similarly situated co-



accused Manoj Rai has been granted bail by a Co-ordinate bench of this Court, investigation has already been concluded, coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 352 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Court, Vaishali at Hajipur including one surety given at the time of provisional bail.



The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode is not resumed in three months.

This application is, accordingly disposed of.

**(Dinesh Kumar Singh, J)**

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