

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32898 of 2020

Arising Out of PS. Case No.-89 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Sipahi Ray @ Sipahi Ram Son of Sri Rajendra Ray Resident of Village-
Maujipur, P.S.- Nadi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Adv.
Mr. Akshansh Ankit, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for regular bail has been
filed by the petitioner in connection with G.O.No. 89 of 2020
registered for the offence punishable under sections 30(a) and
56(b) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on search a total of
750 litres of country liquor and 168 litres of beer was recovered
from the Bolero vehicle being driven by the petitioner.

It is submitted by learned counsel for the petitioner
that the allegation of recovery from the vehicle of the petitioner
is false and concocted. No recovery of any incriminating article
has taken place. It is further submitted that the memorandum of



arrest of the petitioner is in violation of section 41B of the Code of Criminal Procedure and the procedures laid down and requirement of section 100 of the Cr.P.C. has also not been followed. The petitioner has a valid goods permit. He is in custody since 20.6.2020 and has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration that from the vehicle which was being driven by this petitioner, total of 918 litres of illicit liquor was been recovered, this Court is not inclined to enlarge the petitioner on bail for the present.

The application is rejected.

However, in the facts and circumstances of the case, the petitioner may renew his prayer for bail on completing one year of custody.

(Partha Sarthy, J)

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