

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18215 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- VAISHALI District- Vaishali

Raju Rai, aged about 32 years, Male, S/O Maheshwar Rai R/o village-
Chakrarasul, P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Adv.

For the Opposite Party/s : Mr. Dasrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Vaishali PS Case No. 382 of 2020 instituted for the offence under Sections 30(a), 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

Since 04.12.2020 the petitioner is stated to be in custody. There is alleged recovery of 928 litres Indian made foreign liquor from a hut which is stated to be belonging to the petitioner.

Petitioner's counsel submits that petitioner was not



arrested at the time and place of recovery. He has no concern with the hut and his implication is based merely on suspicion. There is no recovery of any illicit liquor from his possession even as per prosecution case and his implication is only for the fact that earlier he was implicated in two cases under the Excise Act, as per disclosure made in paragraph No.3 of the bail petition. He is on bail in both the cases. Co-accused Subodh Kumar, Md. Arman, Md. Murad and Shashi Ram have already been granted bail in Cr. Misc. No. 19586 of 2021 and 19197 of 2021.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner 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 the learned Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Vaishali in connection with Vaishali P S Case No. 382 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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