

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25562 of 2021**

Arising Out of PS. Case No.-731 Year-2020 Thana- MAHUA District- Vaishali

Mahesh Rai aged about 48 years, S/O Ram Lagan Rai @ Lagan Rai R/O
Village-Mahua Ram Rai, P.S-Mahua, District-Vaishali. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Nityanand, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-11-2021 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner who is in custody since 26.1.2021
seeks bail in connection with Mahua P.S. Case No. 731 of 2020
for the offence punishable under section 30(a), 32(ii), 34(ii),
38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case in brief is that on 24.12.2021 the
patrolling team of police received confidential information that
consignment of illegal liquor were being brought over a six
wheeler truck in the field of one Awadhesh Prasad Singh in the
village Sherpur Pyare situated near Mahua, Muzaffarpur road.
When the raid was conducted, 5-6 persons fled away from the
alleged place of occurrence.



Learned counsel appearing on behalf of the petitioner submits that one Randhir Kumar was apprehended who revealed the name of the petitioner. He further submits that during the raid, he was undergoing Covid-19 treatment at Medanta Hospital, Patna. He further submits that alleged trade of liquor is being conducted by his brother, co-accused, Ramesh Rai and considering the health of the petitioner also, the petitioner be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for grant of bail to the petitioner. He further submits that the petitioner has been made accused on earlier occasion also for the offence under sections 30(a), 32(ii), 34(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2018 and considering the fact that huge quantity of the liquor has been recovered, the complicity of the petitioner in illicit trade of liquor cannot be ruled out.

Considering the submission made by the parties and the fact that the petitioner was not apprehended at the time of alleged raid conducted on 24.10.2020 and the specific statement in para-7 of the petition that the petitioner has no concern with the seized vehicle, let petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 5,00,000/- (Five lakhs)



alongwith two sureties of the same amount each to the satisfaction of learned Additional Sessions Judge-II cum Excise Court, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 731 of 2020 subject to the following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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