

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7323 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHUA District- Vaishali

SAROJ RAI Son of Ram Prakash Rai Resident of Village - Mahua Ram Rai,
P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-11-2021 Heard Ms. Bela Singh, the learned counsel for

the petitioner and Mr. Md. Aslam Ansari, the learned APP

for the State.

On the ground of this petition having been filed
on 10.09.2020 and not been taken up even once till date,
the request of the learned counsel for the petitioner for
giving a priority hearing to this application is allowed.

The matter has been taken up today for
consideration.

The petitioner seeks bail in anticipation of his
arrest in connection with Mahua P.S. Case No. 01/2020
instituted for the offences under Sections 30 (a), 32(ii),



34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act.

It has been submitted on behalf of the petitioner that though a raid was conducted at a place on the secret information that the petitioner is keeping illicit liquor at that place but the recovery is said to have been made from a running stream of water falling in the land of somebody else. Nothing has been recovered from the physical or constructive possession of the petitioner. During the course of raid, some other persons were also found to be keeping liquor in an unauthorized manner.

Thus, for all practical purposes except for suspicion harboured by the local police against the petitioner for having kept liquor, there is no other material to connect him with the offence.

The petitioner has no criminal antecedent.

On these grounds, it has been urged by the learned counsel for the petitioner that the offence under the Excise Act cannot at all be said to have been made out against the petitioner.



One of the accused persons of this case has been granted anticipatory bail by a Bench of this Court.

For the reasons afore-stated, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 02nd Additional Sessions Judge-cum-Special Judge, Excise, Vaishali, in connection with Mahua P.S. Case No. 01/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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