

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6298 of 2021

Arising Out of PS. Case No.-705 Year-2019 Thana- MAHUA District- Vaishali

MAHENDRA RAI Son of Sonelal Ray Resident of Village- Mahua Singh
Rai, P.S.- Mahua in the district of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Thakur

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Mahua Police Station Case No. 705 of 2019, registered for the
offence punishable under Sections 30(a)/32(ii)/34(ii)/38(ii)/41(i)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on receiving secret information that
one Gauri Shankar Singh and his father Pramod Singh are
involved in the trade of illicit liquor, raided their house and upon
seeing the police party, some accused persons started fleeing
away and upon chase, one person was caught by the police, who
disclosed his name as Gauri Shankar Singh and the police



recovered 605.15 litres of illicit liquor from the said house. It has further been alleged that upon query, the apprehended accused revealed that he, along with the petitioner and other accused persons, is involved in the trade of illegal liquor.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive and he has not committed any offence in the manner alleged. He next submits that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner. He next submits that co-accused Gauri Shankar Singh, from whose house illicit liquor has been recovered, has been granted bail by co-ordinate Bench of this Court, vide order, dated 04.03.2020, passed in Criminal Misc. No. 8558 of 2020. He next submits that the petitioner is in custody since 13.09.2020 and charge sheet has been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused person has been granted bail by this Court, the petitioner is in custody since 13.09.2020, and charge sheet has been submitted against him, I am inclined to



grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge -cum- Excise Court, Vaishali, at Hajipur, in connection with Mahua Police Station Case No. 705 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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