

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1692 of 2022

Arising Out of PS. Case No.-449 Year-2020 Thana- TARAIIYA District- Saran

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VIJAY RAI @ BIJAY RAY Son of Shivrath Ray Resident of Village-
Lauwan Chakia, Police Station - Taraiya, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-02-2022 Heard learned Counsel for the petitioner and
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Taraiya Police Station Case No. 449 of 2020, registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information and
at village Pachbinda, in the house of one Devendera Singh, a
huge quantity of illicit liquor has been kept, arrived at the place
of occurrence and found one bolero pick-up van and one
motorcycle standing there and 5-6 persons were loading
something and upon seeing the police party, all the accused
persons started fleeing away, however the police arrested two



persons and rest of the accused persons succeeded in fleeing away. The apprehended accused persons disclosed the name of the petitioner and others. The police recovered 1600 litres of illicit country-made liquor, kept in 08 drums, from and near the pick-up van. Upon enquiry, the apprehended accused persons disclosed that the named accused persons, who fled away, had brought the illicit liquor for the purpose of sale and they are partners of co-accused Devendra Singh.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been implicated in this case due on the basis of the disclosure made by the arrested co-accused persons. He further submits that the illicit liquor has been recovered from the premises of the co-accused Devendra Singh and not from the conscious possession and/or premises belonging to the petitioner. He next submits that one of the co-accused persons, namely, Vikesh Rai, have been granted anticipatory bail by Co-ordinate Bench of this Court, vide order passed in Criminal Misc. No. 2112 of 2022. He next submits that petitioner is in custody since 10.09.2021 and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.



Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that upon enquiry, it has come to light that the petitioner was engaged in the trade of illicit liquor, a huge quantity of illicit liquor has been recovered from the place of occurrence and the petitioner has got seven criminal antecedents of similar nature, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his application for regular bail after completing one year in custody, if the trial does not record any substantive progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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