

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13820 of 2022

Arising Out of PS. Case No.-734 Year-2021 Thana- MAHUA District- Vaishali

Shyam Bihari Ray @ Shyam Nandan Ray S/o Bikhari Rai R/o Village-
Bisunpur Madhaul, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratima Kumari

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 734 of 2021 registered for
the alleged offences under Section 414 Indian Penal Code and
Section 30(a), 32(ii), 34(ii) and 41(i) of Bihar Prohibition and
Excise Act, 2018.

The prosecution case is that police received secret
information that co-accused Dilip Ray has brought India made
foreign liquor and petitioner and other co-accused persons have
been unloading the same from the truck and keeping the



consignment on pick-up and other vehicles. But when the raid was conducted neither the petitioner nor the co-accused persons were apprehended and from the vehicles about 2919.480 liters of illicit India made foreign liquor was seized.

The learned counsel for the petitioner submits that nothing has been recovered from his conscious possession. The petitioner is neither the owner nor the driver of the said vehicle and he has got no concern with the allegedly recovered liquor. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The charge sheet has already been submitted in this case and petitioner has got clean antecedent and he is in custody since 30.12.2021.

Learned A.P.P. for the State has opposed the prayer of bail of the petitioner and submitted that huge quantity of illicit liquor has been seized and petitioner is fully involved in the transaction.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted and taking into account that period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 734 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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