

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14590 of 2022**

Arising Out of PS. Case No.-222 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

Umesh Rai @ Umesh Ray S/o Late Ramayaan Rai @ Ramayan Ray Resident  
of Village - Ghogharaha, P.S. - Mohammadpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      01-07-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with  
Mohammadpur P.S. Case No. 222 of 2020 registered for the  
offence under Section 30(a) of Bihar Prohibition and Excise  
Act, 2016.

The accused/petitioner is named in the F.I.R. and is in  
custody since 17.01.2022.

The allegation against the petitioner is to have in  
possession of 2200 liters of raw spirit, which was recovered  
from a pick up van having no registration number.

Learned counsel appearing on behalf of the petitioner  
submitted that the name of the petitioner surfaced on the basis



of disclosure made by local chowkidar, who have inimical terms with the petitioner and the recovery has not been made from the conscious physical possession of the petitioner. It has been submitted that nothing surfaced during the course of investigation which may connect the petitioner with the alleged recovery. While concluding the argument, it has been submitted the petitioner is involved in three other criminal cases, in which he is on bail.

Learned APP appearing on behalf of the State vehemently opposes the prayer of bail of the petitioner.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of disclosure made by chowkidar coupled with the fact that nothing recovered from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Mohammadpur P.S. Case No. 222 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Suresh Rai @ Suresh Prasad, who is the brother of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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