

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31446 of 2021

Arising Out of PS. Case No.-607 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

GANESH RAI S/o Late Ramashankar Rai @ Cycle Rai Resident of Village-
Dakbunglow Chauraha Road, P.S.- Hajipur Town, District- Vaishali, At
present residing at Adalwari, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Hajipur Sadar Police Station Case No. 607 of 2020, registered
for the offences punishable under Section 414 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted one white-coloured bolero
pick-up van and recovered a total quantity of 650.16 litres of
illicit liquor from the said pick-up van and arrested the driver of
the pick-up van, namely, Raushan Kumar, who disclosed that
the consignment of illicit liquor was handed over to him for its



delivery by the petitioner and other co-accused persons.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the statement of the driver of the pick-up van. He further submits that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner. He further submits that similarly situated co-accused, namely, Ved Prakash, has been granted bail by co-ordinate Bench of this Court, vide order, dated 27.07.2021, passed in Criminal Misc. No. 13552 of 2021. He further submits that the petitioner is in custody since 08.01.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that no illicit liquor has been recovered from the conscious possession and/or the vehicle belonging to the petitioner, charge sheet has been submitted and the petitioner is in custody since 08.01.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Vaishali, at Hajipur, in connection with Hajipur Sadar Police Station Case No. 607 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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