

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25203 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- DARIYAPUR District- Saran

1. AJAY RAI Son of Bachchu Rai Resident of village - Manikachak, P.S.-
Dariyapur, District - Saran at Chapra.
2. Lalan Rai Son of Shri Bhagwan Rai Resident of village - Manikachak, P.S.-
Dariyapur, District - Saran at Chapra.
3. Umesh Rai Son of Late Panchhi Rai Resident of village - Molaha, P.S.-
Dariyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioners seek bail in connection with Dariyapur
P.S. Case No. 162 of 2022 registered for the offence under
Sections 30(a), 30(b), 30(d), 33 and 41 of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 26.03.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 175 litres of country made liquor from open area.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor from open area like 'Chawar' of Manikachak village and as such it cannot be said to be recovered from conscious physical possession of the petitioners, who are men of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery is from the open area.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Dariyapur P.S. Case No. 162 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran at Chapra/concerned court, subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners duly supported by the documents.

(ii) That one of the bailors shall be Ranjeet Kumar, who is the brother of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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