

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27532 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- SIMRI District- Buxar

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Banty Ray @ Nitish Kumar Ray @ Nitish Ray Son Of Parmatma Ray R/O
Vill. And P.O.- Ekwana, P.S.- Simari, Dist.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with Simari
P.S. Case No. 120 of 2021 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
475.200 litres of IMFL from the baswari of the accused persons.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor has not been made from the conscious possession of the petitioner, as same is from the bush developed over the barren land and further, name of the petitioner surfaced on the basis confessional statement of co-accused, namely, Ramji Rai, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 41618 of 2021 dated 16.11.2021. 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 recovery is made from the bush developed over barren land, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery is not made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Simari P.S. Case No. 120 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Learned Exclusive Special Judge
Excise Court No.-02, Buxar/concerned court, subject to the
conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

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