

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26902 of 2022**

Arising Out of PS. Case No.-66 Year-2021 Thana- JOKIHAT District- Araria

Arvind Ray @ Arvind Kumar Ray Son of Haribansh Ray @ Harbanshu Ray  
Resident of Village - Bajitpur Kasturi (Sahdei), P.S.- Desari, District -  
Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

2      29-07-2022                      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 Jokihat  
P.S. Case No. 66 of 2021 registered for the offence under  
Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 23.02.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 2653.74 litres of IMFL liquor from Truck bearing  
registration no. WB41H-5145.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not connected in any manner with the alleged truck from where illicit liquor was recovered. It is submitted that the petitioner is neither owner nor the driver of the alleged vehicle (Truck). It is also submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Jayant Kumar, who has already granted bail by one of the learned co-ordinated Bench of this Court through Cr. Misc. No. 29152 of 2021 dated 08.10.2021 and also submitted that in furtherance of said confession no incriminating material surfaced or recovered from the conscious physical possession of the petitioner to connect with present recovery of illicit liquor. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, and moreover, 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 that recovery is not from the physical possession of the petitioner as per the seizure list.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation



which may connect petitioner, *prima facie*, with present recovery of illicit liquor, petitioner is a man of clean antecedent 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 Jokihat, P.S. Case No. 66 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 Learned Court of Exclusive Special Judge Excise-II, Araria, subject to the following conditions:

(i) *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.*

(ii) *That one of the bailors shall be Sunil Kumar, who is the brother of the petitioner and deponent of the present bail petition."*

**(Chandra Shekhar Jha, J)**

pooja/-

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