

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27879 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- DARIYAPUR District- Saran

Kuber Rai Son of Late Raghu Nath Rai Resident of Village - Parsauna, P.S. - Parsa, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Dariyapur P.S. Case No. 171 of 2022 registered
for the alleged offences under Sections 30, 30(a), 30(b), 33 and
41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that about 450 liters of illicit
country made liquor was seized from an agriculture field and a
number of accused persons including this petitioner were
arrested from that spot.

The learned counsel for the petitioner submits that the



petitioner is innocent and he has nothing to do with the alleged recovery. The petitioner is an agriculturist and he has gone there as his agricultural land is nearby that place. There has been delay in lodging of F.I.R. as the occurrence is said to have taken place at 03:00 AM on 30.03.2022 whereas F.I.R. has been registered on 31.03.2022 at about 09:00 AM. This shows manipulation by the police. The petitioner has got clean antecedent and he is in custody since 01.04.2022.

Learned A.P.P. for the State opposes the prayer for bail submitting that the petitioner was involved in manufacturing and sale of illicit liquor.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has been apprehended along with a number of accused persons and there is no specific overt act attributed to the petitioner in the manufacture and recovery of illicit liquor and further considering his period of detention, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran in connection with Dariyapur P.S. Case No. 171 of 2022, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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