

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42885 of 2021

Arising Out of PS. Case No.-163 Year-2018 Thana- VAISHALI District- Vaishali

Sanjeev Rai S/O Jiyalal Rai @ Jiya Lal Yadav R/o village- Mahamadpur, P.S.-
Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Shri Krishna Pd. Singh, Adv.
Ms.Bela Singh, Adv.
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2022 Heard.

The petitioner seeks regular bail in connection with Vaishali P.S. Case No. 163 of 2018, registered for the offence punishable under section 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2439 liters of Indian made foreign liquor and 961 liters of beer from one truck and a pick up vehicle.

The learned Senior counsel for the petitioner, Shri Krishna Prasad Singh, has submitted that the petitioner is innocent, has been falsely implicated in the present case and is



languishing in custody since 05.02.2021. The learned Senior counsel for the petitioner has further submitted by referring to paragraph No. 15 of the present petition that the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused person namely Rabindra Singh, who has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 6.11.2019 passed in Cr. Misc. No. 64914 of 2019. It is also submitted that one another co-accused person has also been granted bail by a co-ordinate Bench of this Court vide order dated 17.3.2021 passed in Cr. Misc. No. 32092 of 2020. It is also submitted by referring to paragraphs no. 10 and 11 of the present petition that the petitioner has got no concern either with the alleged seized vehicle or with the seized liquor in question. It is submitted that the petitioner has been made accused in the present case on account of his bad antecedent. It is further submitted that the petitioner is ready to abide by such terms and conditions as may be deemed fit and proper to be



imposed by the Court for the purposes of grant of bail.

Per contra, Mr. Ashok Kumar, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the co-accused person on whose confessional statement, the name of the petitioner has transpired in the present case, has already been granted bail apart from the fact that one other co-accused person has also been granted bail by a co-ordinate Bench of this Court as also the fact that the petitioner is stated not to be the owner of the vehicle in question nor any illicit liquor has been recovered from his conscious possession though, I deem it fit and proper to admit the petitioner to the privilege of regular bail, however, subject to certain conditions.

Accordingly, the petitioner, above named,



is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court of 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 163 of 2018.

It is further directed that in case the petitioner is made an accused henceforth in any case registered under the provisions of the Bihar Prohibition and Excise Act, 2016, the present privilege of bail being granted to the petitioner shall stand cancelled automatically and he shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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