

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36043 of 2022

Arising Out of PS. Case No.-560 Year-2021 Thana- NAGAR District- Vaishali

Raju Rai Son of Kedar Rai Resident of Village- Lodipur Chakwara, Police
Station- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 560 of 2021 registered for the offence under
Sections 30(a), 38(1) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 415.125 litres of IMFL/country made liquor from
the place of occurrence.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor was made from the Banana Orchard of co-accused Ramlakhi Shah. It is also submitted that name of petitioner was surfaced on the basis of confessional statement of co-accused Kedar Ray and in furtherance of, no incriminating material recovered/surfaced during the course of investigation which may connect the petitioner with the present recovery. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case 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 the recovery of illicit liquor was not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, who 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 Hajipur Town P.S. Case No. 560 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 Exclusive Special Excise Court No.-1-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

