

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36917 of 2022**

Arising Out of PS. Case No.-14 Year-2022 Thana- BIDUPUR District- Vaishali

Baiju Rai @ Baijnath Rai @ Baijnath Singh Son of Mahendra Singh @  
Mahendra Rai R/O- Vill- Rajasah, P.S.- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Prabhat

For the Opposite Party/s : Mr. Ajay Kumar Jha

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

2      20-08-2022                      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 Bidupur  
P.S. Case No. 14 of 2022 registered for the offence under  
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 24.04.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 300 litres of country made liquor and 300 litres of



semi prepared Java from an open place.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from an open place as Pakauli Diyara and admittedly, the recovery of illicit liquor is not from the physical possession of the petitioner, who is a man of clean antecedent. 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 that recovery of illicit liquor was made from an open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place and not 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 Bidupur P.S. Case No. 14 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-



cum-Additional District Judge-1, Vaishali at Hajipur/concerned  
court, subject to the conditions as mentioned under Section 437  
(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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