

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38719 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- GANGABRIDGE District- Vaishali

Birendra Rai @ Virendra Rai @ Pandit Ji @ Pandit Jee @ Virendra Ray, Son
of Late Bilash Rai, Resident of village- Diwantok, P.s.- Ganga Bridge,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Raj, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of 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 Ganga Bridge P.S. Case No. 189 of 2021
registered for the alleged offences under Sections 467, 468, 471,
420, 120(B) and 34 of the Indian Penal Code and Sections
30(a), 30(c) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, police received secret
information about the co-accused person of liquor mafia
conducting their business and running furnace for



manufacturing of illicit country made liquor with the help of the petitioner and another co-accused. A raid was conducted and 40 litres of country made '*chulai*' liquor was recovered from an identified place. A number of implements/articles used in manufacturing of illicit liquor were also recovered apart from fermented mahua liquor which was destroyed.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and the petitioner was not apprehended from the spot. He is in no way connected with the manufacture or sale of illicit liquor. Similarly placed co-accused, namely Vimal Rai and Shyam Babu Ray have been granted bail by a Co-ordinate Bench of this Court vide order dated 22.12.2021 passed in Cr. Misc. No. 70016 of 2021 and other co-accused Manjit Kumar has also been granted bail by another Co-ordinate Bench of this Court vide order dated 20.05.2022 passed in Cr. Misc. No. 3678 of 2022. The petitioner is in custody since 30.05.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove



and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet along with his period of custody, 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 Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 189 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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)

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