

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39847 of 2022**

Arising Out of PS. Case No.-88 Year-2022 Thana- TARAIIYA District- Saran

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Raghunath Ray S/o Balidan Ray R/o Village - Dakshin Dhamaul, P.S.- Patory,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

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

2 22-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

At the outset, learned counsel for the petitioner
submitted that at page no.6 of the bail petition in prayer portion,
inadvertently, year of police station case number has been
wrongly typed as 'Taraiya P.S. Case No. 88 of 2021' instead of
'Taraiya P.S. Case No. 88 of 2022'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction during the course of the
day itself.

The petitioner seeks bail in connection with Taraiya



P.S. Case No. 88 of 2022 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 25.03.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 86.400 liter of English wine from a car and 1557.6 liters of English wine alongwith 50 sacks of '*Choker*' was recovered from a truck.

Learned counsel appearing on behalf of the petitioner submitted that, incidently, as petitioner visited dhaba at the time of raid, in connection with his dinner and found sitting near to alleged truck, was implicated falsely in the present case. It is submitted that nothing incriminaing surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is neither owner nor the driver of the alleged truck, as per F.I.R.



In view of the facts and circumstances, as mentioned above, as petitioner is not connected, *prima facie*, with the alleged truck, coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Taraiya P.S. Case No. 88 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 2nd Exclusive Special Judge, Excise, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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