

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40103 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- MAKER District- Saran

SARBJEET RAI S/op- Nagina Ray Resident of Village - Fulwariya, P.S.-
Maker, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-08-2022 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Ms. Rina Sinha, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Maker
P.S. Case No. 129 of 2021 registered for the offences punishable
under Sections 30 and 30(a) of the Bihar Prohibition and Excise
Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
25.03.2022 passed in Cr. Misc. 50427 of 2021 with liberty to
renew his prayer for grant of regular bail after three months.

The allegation as per the First Information Report is
that the Police has got secret information that petitioner and co-



accused Ramesh Rai have concealed the illicit liquor in the field situated beside the house of the petitioner, proceeded towards the place of occurrence and recovered 280 litres of illicit liquor after digging the land belonging to the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the land from where the alleged liquor has been recovered is a joint family property. Learned counsel further submits that at the time of search and seizure, the procedure prescribed under Section 100 Cr. P.C. was not followed by the Police. He next submits that the petitioner is in custody since 3.8.2021 and charge sheet has already been submitted.

Having regard to submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has remained in custody since 3.8.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, in connection with



Maker P.S. Case No. 129 of 2021.

(Anil Kumar Sinha, J)

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