

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44219 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Mahesh Ray, Son of Late Shivjee Ray, Resident of village - Terasiya, P.S.-
Ganga Bridge, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 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 Hajipur Excise P.S. Case No. 89 of 2022 registered for the alleged offences under Sections 30(a), 32(1), 32(3), 41(i), 41(2) of the Bihar Prohibition and Excise Act, 2018.

Allegedly, the recovery of 190 litres of country made *chulai* liquor was made from a tempo and the petitioner is stated to be the driver of the said tempo from which the recovery has



been made.

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. He was standing on the road and the police arrested him only on suspicion. The petitioner is in custody since 18.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and he is also accused in another case.

Having regard to the submissions made hereinabove and 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 Additional Sessions Judge-cum-Exclusive Excise Court-2, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 89 of 2022 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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