

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43953 of 2022

Arising Out of PS. Case No.-43 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Uday Kumar @ Uday Rai @ Uday Shaankar Ray Son of Ram Swarath Rai @
Ram Saroop Rai Resident of Manikpur, Maksudpur, Muzaffarpur, Bihar P.S-
Meenapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dwij Raj, Advocate Mr. Saurav Barial, Advocate Mr. Aniket Thakur, Advocate
For the Opposite Party/s	:	Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 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
Runnisaidpur P.S. Case No. 43 of 2019 registered for the
offence under Sections 30, 30(a) and 38(i) (ii) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 1058.40 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither owner nor driver of the alleged vehicle, or which is connected otherwise. It is further submitted that the name of the petitioner surfaced in present case on the basis of secret input. It is further submitted that as seizure list is not bearing signature of this petitioner, it is sufficient to gather that recovery of illicit liquor was not made from the physical possession of the petitioner. 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 seizure list is not bearing signature of this petitioner.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the physical possession of the petitioner 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 Runisaidpur P.S. Case No. 43 of 2019 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Exclusive Special Excise Court-I, Sitamarhi/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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