

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44676 of 2022**

Arising Out of PS. Case No.-561 Year-2018 Thana- SARAIYA District- Muzaffarpur

Umesh Rai @ Shushil Kumar Yadav @ Sushil Prasad Yadav Son of  
Ramashraya Rai Ro Village- Basantpur Patti, P.S.- Saraiya, District-  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. I, APP

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

2      08-09-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

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.-5 of the bail petition, in the prayer  
portion, inadvertently, year of police station case number has  
been wrongly typed as 'Saraiya P.S. Case No. 561 of 2019'  
instead of 'Saraiya P.S. Case No. 561 of 2018'.

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 Saraiya P.S. Case No. 561 of 2018 registered for the offence under Sections 272 and 273 of the I.P.C. and under Section 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 11.05.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2877.84 litres of IMFL/country made liquor from the alleged go-down of co-accused.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from go-down of co-accused, namely, Jitendra Shah, where after recovery co-accused, Anil Shah, disclosed the name of this petitioner. It is submitted that in furtherance of said disclosure, nothing incriminating surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with the alleged recovery. 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 opposes the prayer of bail.



Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious 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 SARaiya P.S. Case No. 561 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, (Excise), Court No.-II, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

pooja/-

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