

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45724 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- MAHUA District- Vaishali

AKHILESH KUMAR RAY @ AKHILESH KUMAR Son of Ramishwar Ray
R/v- Mahua Singh Rai , P.S- Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Pratima Kumari, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-09-2022 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 Mahua
P.S. Case No. 24 of 2022 registered for the offence under
Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.06.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2796.300 litres of IMFL/country made liquor from truck bearing Registration No. WB-25B-2425.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from truck, where petitioner is not connected in any manner with alleged truck and alleged illicit liquor. It is submitted that recovery of illicit liquor was not made from conscious physical possession of the petitioner. It has further been submitted that similarly situated co-accused person, namely, Pinku Singh, has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 22763 of 2022 vide order dated 29.07.2022.

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, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 24 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 Additional Sessions Judge-cum-Special Excise, Judge, Court-2,



Vaishali at Hajipur/concerned court, subject to the conditions as
mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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