

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45857 of 2022

Arising Out of PS. Case No.-591 Year-2019 Thana- SARAIYA District- Muzaffarpur

Umesh Rai @ Sushil Kumar Yadav S/o Late Ramashraya Rai R/o Vill -
Basantpur Patti, P.S.- Saraiya, Dist.- 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. Surendra Prasad Singh, APP

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.

In the present case, the petitioner seeks bail in
connection with Saraiya P.S. Case No. 591 of 2019 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, recovery of 674.410 litres
of India made foreign liquor was made from the house of co-
accused Ramswarup Paswan. The local villagers named the
petitioner who used to keep his liquor in the house of the co-
accused on payment.

The learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. His name transpired in this case only on the statement of local villagers who are on inimical terms with this petitioner. The petitioner is in custody since 11.05.2022 and charge-sheet has been submitted and co-accused Ghanshyam Mahto has been granted bail vide order dated 28.06.2021 passed in Cr. Misc. No. 12233 of 2021.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody and the submission of charge-sheet, 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 Exclusive Special Judge (Excise), Court No.II Muzaffarpur in connection with Saraiya P.S. Case No. 591 of 2019, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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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