

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32629 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- MAHUA District- Vaishali

MAHESH SINGH @ MAHESH KUMAR SINGH Son of Late Brahmdev
Singh Resident of Village - Mahua Singh Rai, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61154 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- MAHUA District- Vaishali

RAJA RAI @ RAJA KUMAR Son of Vinod Rai @ Vinod Ray Resident of
Village - Kanhauli, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62047 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- MAHUA District- Vaishali

DILEEP RAI @ DILEEP KUMAR Son of Diwakar Rai Resident of Village -
Madhopur, P.S.- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32629 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Thakur
Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 61154 of 2021)

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Ms. Sucheta Yadav

(In CRIMINAL MISCELLANEOUS No. 62047 of 2021)

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Upendra Kumar



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-02-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, in all the three cases.

The petitioners seek regular bail in connection with Mahua Police Station Case No. 713 of 2020, registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 30(a)/32(i)/34(ii)/38(ii)/41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on receiving secret information that near the cow-shed of petitioner Raja Rai, the petitioners, namely, Mahesh Singh and Dileep Rai, and co-accused Arbind Singh, have brought a consignment of huge liquor in a truck and the same was being unloaded in different vehicles, proceeded towards the place of occurrence and upon seeing the police, the petitioners, namely, Mahesh Singh and Dileep Rai, and co-accused Arbind Singh, succeeded in fleeing away. However, they have been identified by the village chowkidar. The police recovered a total quantity of 2170.08 litres of illicit liquor from the truck and 1278 litres of illicit liquor from the pick-up van, standing near the place of occurrence.

Learned Counsel for the petitioners submits that the



petitioners have not committed any offence in the manner alleged and they have been falsely been implicated in this case on the basis of the disclosure of their names by the village chowkidar. They further submit that the petitioners are neither the owners of any of the vehicles nor the drivers and no illicit liquor has been recovered from their conscious possession and/or from the vehicles/premises belonging to them. Learned Counsel for the petitioner Raja Rai submits that the name of the petitioner has not been disclosed by the village chowkidar and he has been made accused in this case without any basis. They further submit that the petitioner no. 1 is in custody since 22.02.2021 and petitioner nos. 2 and 3 are in custody since 12.07.2021. They further submit that charge sheet has been submitted against the petitioners and, as such, there is no apprehension of the petitioners being abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials available on record and the fact that the petitioners are in custody since 22.02.2021 and 12.07.2021 respectively, no illicit liquor has been recovered from the possession of the petitioners, the trial is not likely to be concluded in near future due to



pandemic and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Vaishali, at Hajipur, in connection with Mahua Police Station Case No. 713 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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