

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53172 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Arvind Ray S/o- Shri Ramnandan Ray Resident of Village - Patailia, tola-
Badiya Bujhauna Chauk, Police Station - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 209 of 2021 lodged under Section
30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of
3097.080 litre foreign liquor has been made, which is the
subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the alleged recovery was made from the house
Roushan Kumar son of Arvind Ray as per the seizure list.
Counsel for petitioner submits that petitioner is the father of

Roushan Kumar and the alleged recovery was made from the hut which is in dilapidated condition and not in use. Counsel submits that antecedent of the petitioner is clean and he is in custody since 11.07.2022 and that the charge sheet has already been filed in this case. Counsel submits that petitioner was not apprehended from the place of occurrence rather apprehended from his house where he is residing, whereas the recovery was made in a dilapidated hut in which no one is residing and it is being used by the hooligan persons of the village.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge Excise, Samastipur in connection with Bibhutipur P.S. Case No. 209 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--