

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55681 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Jai Prakash Rai @ Vakil Rai Son of Late Harihar Rai Resident of Mohalla-
Town Machhata Chowk, Bhawara, Ward No- 27, P.S.- Madhubani Town,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, App

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 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 G.O. P.S.
Case No. 96 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 441 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that as per seizure list recovery of alleged illicit liquor was made from mango orchard, which is being open place accessible by general public near to local airport. It is further submitted that petitioner involved in six more criminal cases, where name of petitioner surfaced on the basis of suspicion as raised through police spy, where he is on bail in four cases where in maximum of the cases name of petitioner surfaced on the basis of suspicion, as of the present case. It is also submitted that seizure list witnesses are excise officials and not independent witnesses which create a doubt over entire seizure. While concluding the argument, it has been submitted that investigation of this case has been completed, where 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 illicit liquor was made from an open place in the background of doubtful seizure list 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 G.O. P.S. Case No. 96 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned A.D.J.-II, Cum-Special Judge Excise Act, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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