

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56182 of 2022**

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

Sudish Kumar Rai @ Sudisht Kumar Rai @ Sudhisht Kumar Ray, Son Of  
Hari Lal Rai, R/O Village- Kuleshra Dih, P.S.- Sakra, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

Learned counsel for the petitioner submits that while  
mentioning the period of custody of the petitioner it has been  
wrongly mentioned 23.02.2022 in place of 06.08.2022.

Learned counsel seeks permission to make necessary  
correction in the aforesaid error in course of the day.

Permission is granted.

In the present case, the petitioner seeks bail in  
connection with Kanti P.S. Case No. 98 of 2022 registered for  
the alleged offences under Sections 30(a), 32(i)(ii), 36 and 41(i)  
of the Bihar Prohibition and Excise Act.



As per prosecution case, recovery of 2700 litres of India made foreign liquor was made from a truck and three co-accused persons including the driver of the truck were apprehended who disclosed the name of this petitioner along with other co-accused persons as intended recipients of the illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been made accused in this case only on the basis of secret information and confession of the co-accused persons before the police. The petitioner has no concern with the seized truck or the allegedly recovered illicit liquor. The petitioner is neither the owner nor the driver of the truck in question. The petitioner is in custody since 06.08.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and 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 the clean antecedent of the petitioner along with his period of custody and 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 Special Judge, Excise Court No.-II, Muzaffarpur in connection with Kanti P.S. Case No. 98 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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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