

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58387 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- MAHUA District- Vaishali

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Devanand Kumar @ Deva Rai S/o Ram Swarth Rai @ Ramsogarath Rai
Resident of Village- Mahua Ram Rai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Pratima Kumari, Advocate
For the State	:	Mr. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Mahua
P.S. Case No. 393 of 2022 registered for the offence under
Sections 414 and 34 of Indian Penal Code and 30(a), 32(ii),
34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 1347.84 litres of illicit IMFL



liquor/countrymade liquor.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not connected in any manner with the alleged illicit liquor and truck. It is further submitted that the name of petitioner surfaced on the basis of mere suspicion as raised by local Chowkidars, as petitioner was found running from the site of recovery of alleged illicit liquor. It is also submitted that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation in this case is completed for which charge sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner, 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 Mahua P.S. Case No. 393 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Special Excise Court No. 2-cum- Additional Sessions
Judge, Vaishali at Hajipur/concerned Court, subject to the
condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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