

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71121 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHUA District- Vaishali

-
1. RAJESH RAI S/O LATE JAGADEV RAY R/o village- Mahua Ram Rai, P.S.- Mahua, District- Vaishali
 2. Subham Kumar @ Lanka @ Sibham Kumar S/o Rajesh Rai R/o village- Mahua Ram Rai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Mahua P.S. Case No. 09 of 2020 registered for the offences punishable under Sections 30(a), 32(ii), 34 (ii), 38 (ii) and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

The Police on the basis of secret information that the petitioners along with 3-4 unknown persons have brought the consignment of illicit foreign liquor and are unloading the same, proceeded towards the place of occurrence and recovered a total quantity of 1126.005 litres of India Made foreign liquor from the side of the pond and upon seeing the Police Party all accused



persons succeeded in fleeing away.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case. He further submits that the procedure prescribed under Section 100 Cr. P.C. has not been followed by the Police at the time of search and seizure. The petitioners are in custody since 28.7.2021.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that no illicit liquor has been recovered from conscious possession of the petitioners, the petitioners are in custody since 28.07.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum Excise Court, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 09 of 2020.

(Anil Kumar Sinha, J)

S.Ali/-

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

