

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71306 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- TISIAUTA District- Vaishali

1. Rajesh Rai Son Of Late Jagadev Ray Resident Of Village - Mahua Ram Rai , P.S.- Mahua, Distt.- Vaishali.
2. Subham @ Lanka Son of Rajesh Rai Resident of Village - Mahua Ram Rai , P.S.- Mahua, Distt.- Vaishali.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      15-06-2022      Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Tisiauta P.S. Case No. 05 of 2020 registered for the offences punishable under Section 30(a), (b) and (c) of Bihar Prohibition and Excise Act. Petitioner no. 1 is in custody since 27.08.2021 and petitioner no. 2 is in custody since 24.09.2021. They have got one criminal antecedent as stated in paragraph '3' of the petition.

Learned counsel for the petitioners submits that as per the prosecution story, the informant received a secret information that



some persons have brought consignment of illicit liquor for trading in the village Laxmi Narayanpur. On this information, the informant along with other police officials reached there and on seeing the police party, accused persons started fleeing away and managed to escape. On search, in the field of one Mithlesh Chaudhary, total 1247.76 liters of illicit liquor was recovered. It is further alleged that the said consignment was brought by Rajesh Rai (petitioner no. 1), Subham @ Lanka (petitioner no. 2), Guddu Rai, Bindekh Rai and Vinay Rai.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no recovery from the conscious possession of the petitioners. Petitioner no. 1 is in custody since 27.08.2021 and petitioner no. 2 is in custody since 24.09.2021

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the recovery of illicit liquor has been made from the field of another person, these persons are in custody with effect from 27.08.2021 and 24.09.2021 respectively, investigation against them is complete and their presence may be secured in course of trial as also that the co-accused in this case have been granted bail by learned Co-ordinate Benches of this Court in Cr. Misc. No. 21588 of 2020 and Cr. Misc. No. 55116 of 2021, this Court directs that the petitioners above named be released



on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) 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 Tisiauta P.S. Case No. 05 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

