

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59684 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- MALSALAMI District- Patna

Subodh Rai Son of Jay Mangal Rai Resident of Village- Adra Ghat,
Pirdamariya, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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

In the present case, the petitioner seeks bail in
connection with Malsalami P.S. Case No. 205 of 2022
registered for the alleged offences under Sections 30 (a) and 36
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, during an anti liquor drive
police found three persons carrying a bag each near the house of
the petitioner. On seeing the police party, all three persons fled
away leaving behind their bags. From three bags 35 litres of
illicit *Mahua* liquor was recovered. The persons nearby
disclosed the name of the petitioners along with other co-



accused persons who fled away from the spot leaving behind their bags.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has no concern with the recovered alleged liquor. The petitioner is in custody since 08.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

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 his period of custody along with the 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 Exclusive Special Judge, Excise Patna City in connection with Malsalami P.S. Case No. 205 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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