

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64321 of 2022**

Arising Out of PS. Case No.-446 Year-2021 Thana- PAROO District- Muzaffarpur

Abhay Rai @ Abhay Kumar s/o late yogi rai 2 jogi rai r/o village- sarmastpur,
p.s- paroo, district- muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Paroo P.S.
Case No. 446 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 30 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that name of petitioner surfaced on the basis of



disclosure made by co-accused, namely, Md. Aabid and Kanti Devi, where nothing surfaced during the course of investigation, which may connect the petitioner with present recovery of illicit liquor. It is also submitted that as petitioner found involved in 5 more criminal cases of similar nature, where he is on bail, his name surfaced in present case also without having any connecting evidence only due to suspicion, arises out of said criminal antecedents, where in maximum of cases, name of petitioner surfaced on the basis of confessional statement/disclosure as of the present case. While concluding the argument, it has been submitted that investigation of 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.

Considering the facts and circumstances as mentioned above, as no recovery of illicit liquor appears to be made from conscious physical possession of this 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 Paroo P.S. Case No. 446 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court No. II, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further condition:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.”

(Chandra Shekhar Jha, J)

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