

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61154 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- MAHUA District- Vaishali

Vikash Rai Son Of Rambabu Rai R/O Village- Madhopur, P.S.- Mahua,
District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Suruchi Anand, Advocate
For the State	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Mahua P.S.
Case No.66 of 2021 registered for the offence under Sections
30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.09.2022.

The allegation against the petitioner is to be in
possession of illicit liquor, where, there was recovery of
4573.240 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of suspicion as raised by local chowkidar, where he claimed to identify the petitioner, while he was running away from the place of recovery, and nothing surfaced during the course of investigation, which may connect this petitioner with the alleged set of recovery. It is also submitted that petitioner is found involved in three more criminal cases and he has been named in the present case without having any connecting evidence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above, as the recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No.66 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 Prohibition, Excise Court No.II-cum-
Additional District and Sessions Judge, Vaishali,
Hajipur/concerned court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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