

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67588 of 2022

Arising Out of PS. Case No.-712 Year-2019 Thana- MAHUA District- Vaishali

Dev Kumar @ Deva Rai @ Devanand Rai Son Of Ram Sogarath Rai @ Ram
Swarath Rai R/O Vill.- Mahua Ram Rai, P.S.- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 712 of 2019 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 12.10.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
539.830 litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery was made from a pickup van, parked near Bathna Kali Mandir and as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also pointed out that seizure list is disputed being same is not supported by independent witnesses, rather by local '*Chaukidar*'. 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 of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged 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. 712 of 2019 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-cum- Additional District & Session Judge, Hajipur,



Vaishali/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C, with further condition:

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

(Chandra Shekhar Jha, J.)

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