

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5206 of 2023

Arising Out of PS. Case No.-316 Year-2021 Thana- LALGANJ District- Vaishali

Manoj Rai S/O Rajesh Rai Resident of Village- Salempur, P.S.- Lalganj, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 28-04-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Lalganj P.S.
Case No. 316 of 2021 dated 31.08.2021 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.
3. The main submissions advanced by learned counsel for
petitioner are that the petitioner was not apprehended at the spot
and petitioner has been made accused merely on the basis of
suspicion and as per allegation 100 litres of country made illicit
wine was recovered from the *diara* area but the alleged place of
recovery of the said wine is an open place and the same is
accessible to everyone and though against the petitioner there are
criminal antecedents of two cases out of which he has got bail in
one case and his bail prayer is pending in the second case and in

the present matter the petitioner has been languishing in jail since 02.12.2022.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Having considered the above submissions and mainly the facts that the petitioner was not arrested at the spot of recovery of alleged wine and the said place of recovery is stated to be an open place and the recovery was made before official persons who have been made witnesses of the alleged seizure and against the petitioner investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Lalganj P.S. Case No. 316 of 2021.

(Shailendra Singh, J)

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