

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26656 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- DIGHWARA District- Saran

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1. Kanhaiya Ray @ Kahanai Ray S/O Krishna Rai R/O Village- Saidpur Bagahi, P.S- Dighwara, Distt.- Saran.
 2. Shivchandra Rai S/O Krishna Rai R/O Village- Saidpur Bagahi, P.S- Dighwara, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-05-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Dighwara P.S. Case No. 72 of 2023 dated 05.03.2023 registered for the offences punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned counsel for the petitioners are that the instant matter relates to the recovery of 480 litres of *country made illicit liquor* and 5000 litres of *semi-manufactured illicit liquor* but the recovery of the said illicit liquor was made from *Diyara* area, to which the petitioner had no concern and admittedly, the petitioner was not



arrested at the spot of recovery and the names and details of the petitioners were disclosed by local *chawkidar* and the petitioners are not owner of the alleged vehicles which were seized at the spot and the alleged liquor as well as the alleged motorcycles were seized in an abandoned condition at the place of recovery where the petitioners were not present and their names came into light due to local politics and there is no independent witness of the alleged search and seizure and the petitioners have been languishing in jail since 11.03.2023 and against them, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer of both the petitioners and submits that both the petitioners indulged in manufacturing of the illicit liquor and from the place of recovery, 480 litres of *illicit liquor* and 5000 litres of *semi-manufactured illicit liquor* were recovered and the petitioners were identified by local *chawkidar*.

5. Considering the above submissions and mainly the completion of the investigation against the petitioners and also the facts that the alleged place of recovery is stated to be a *Diyara* area which is an open area being accessible to everyone and petitioners were not apprehended at the spot of recovery, in my opinion it is a fit case for bail to the petitioners.



Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Dighwara P.S. Case No. 72 of 2023.

(Shailendra Singh, J)

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