

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46415 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- MAHNAR District- Vaishali

Rahul Ray @ Rahul Kumar Ray, S/O Late Rajdeo Ray Resident Of Village-
Allipur Hatta, P.S.- Mahanar, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 30(a) of
the Excise Act.
3. The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is of
recovery of 20 litres of liquor from the hut of petitioner, 10 litres of
liquor from the hut of Ramashish Paswan, 04 litres of liquor from the
possession of Basawan Rai and 08 litres of liquor from his
motorcycle.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of Vidyanand Rai and



Basawan Rai in police custody, which does not have any evidentiary value. It is next submitted that even the alleged recovery is not from a hut, but from a house and the house is a joint family property, as such, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge, when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No.II-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Mahnar P. S. Case No.117 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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