

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64940 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Maheshwar Rai @ Maheshwar Yadav, Son of Laxman Rai, R/v- Gawaspur,
P.S.- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Kathaiya
P.S. Case No.132 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

There is alleged recovery of 177.57 litres illicit liquor
from the *Bolero* Pick-up van. One Anil Sahani co-accused has
been arrested. The arrested person has disclosed the names of
others, who fled away, including the petitioner.

Learned counsel for the petitioner submits that
implication is only based on statement of co-accused extracted
in custody. There is no positive material to connect the



petitioner. Even as per prosecution case, he was not arrested at the time and place of recovery. His implication also has not led to any recovery of incriminating material. He has no antecedents and is in custody since 12.09.2022.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise) Court-II, Muzaffarpur, in connection with Kathaiya P.S. Case No.132 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of



the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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