

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72750 of 2023

Arising Out of PS. Case No.-363 Year-2023 Thana- VAISHALI District- Vaishali

=====

ARUN RAY son of Ram Babu Ray Village- Bhagwanpur Ratti Tola Jafrahan
Ps Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Vaishali P.S. Case No. 363/2023 dated 24.08.2023, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. The allegation is of recovery of 15.81 litres of
foreign liquor from the newly underconstructed house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. From the perusal of the F.I.R., it appears that the petitioner
was neither arrested at the spot nor anything has been recovered
from his conscious possession. It has been submitted that



foreign liquor was recovered from the under-constructed house of the petitioner where no one was present there. The family members are residing in another house and the present newly under-constructed house is at the lonely place and someone has planted the liquor at the instance of enemy of the petitioner. It is also submitted that the petitioner is the younger member of his family and under-constructed house is the joint family house from where alleged foreign liquor was recovered. Petitioner has one criminal case pending against him in which he is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II-cum-Additional Sessions Judge, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 363/2023, subject to the conditions laid down in Section 438(2) of the Cr.P.C. and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

Ranjeet/-

U		T	
---	--	---	--

