

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71403 of 2022**

Arising Out of PS. Case No.-135 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

=====

ARJUN RAI @ ARJUN RAY Son of Ram Shreshth Rai @ Ramashray Ray
Residence of village - Govindpur Bela, P.S.- Baligaon, District - Vaishali at
Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-02-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Vaishali (Hajipur) Excise PS case no. 135 of 2022
instituted for the offences punishable under Sections 30(a),
32(i), 32(3), 41(i), 41(ii) of Bihar Prohibition and Excise Act,
2018.

The allegation is regarding recovery of huge
quantity of illicit liquor from the basement situated
underneath the cow shed of the petitioner.

The learned counsel for the petitioner submits
that the petitioner is innocent and has been falsely implicated



in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is in custody since 17.11.2022 but he has been remanded in the present case on 02.09.2022. It is also submitted that the petitioner is accused in two other cases but he is on bail in the said cases. Lastly, it is submitted that the petitioner has not been arrested from the spot and he stays outside the said village for the purposes of earning his livelihood, hence, he has not got any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from the conscious possession of the petitioner, apart from the fact that he is languishing in custody since 02.09.2022/17.11.2022, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of



Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court no. 2-cum- Additional District & Sessions Judge, Vaishali (Hajipur) in connection with Vaishali (Hajipur) Excise PS case no. 135 of 2022.

(Mohit Kumar Shah, J)

rinkee/-

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

