

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11814 of 2024

Arising Out of PS. Case No.-42 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Amitabh Ray @ Amitabh Bachhan Son of Upendra Ray R/o vill - Terasiya
Pillar No. 2, P.S. - Ganga Bridge, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 03-05-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned counsel appearing on behalf
- of the State.
2. The petitioner seeks bail in connection with
- Industrial Area P.S. Case No. 42 of 2022 registered for
- the offence under Sections 30(a), 32(i)(ii), 36, 41(i)(ii)
- of the Bihar Prohibition and Excise Act, 2018.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 08.01.2024.
4. The allegation against the petitioner is to be
- engaged in illegal trading/manufacturing of illicit liquor,
- where, there is recovery of 6347.460 litres of



IMFL/country made liquor from Pick Up Van.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner appears in this case on the basis of disclosure made by apprehended co-accused persons namely, Sudhir Rai. It is submitted that as petitioner was not apprehended on spot, it can be said safely that no recovery was made from his conscious physical possession. It is also pointed out that petitioner was not connected with alleged loaded vehicle with illicit liquor. While concluding the argument, it has been submitted that petitioner found involved in seven criminal cases, where he is on bail, moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged liquor not appears to be



recovered from the conscious physical possession of this petitioner as he was not apprehended on spot, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Industrial Area P.S. Case No. 42 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C., with further conditions as under:

“(i)That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed



by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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