

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25540 of 2024**

Arising Out of PS. Case No.-115 Year-2020 Thana- MAKER District- Saran

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Saheb Rai @ Saheb Ray @ Shaheb Ray Son Of Parama Ray Resident Of  
Village - Jhauatola, Khajuhata, P.O. - Darihara Bhual, P.S. - Dariyapur,  
District - Saran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravinesh, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**  
**ORAL ORDER**

2      04-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Maker  
P.S. Case No. 115 of 2020 instituted for the offences punishable  
under Sections 30/30(a) of the Bihar Prohibition and Excise Act  
and Sections 272 and 273 of the Indian Penal Code.

3. As per prosecution case, there has been recovery of  
total 72 liters of illegal foreign liquor from a *Tempo*.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case.  
Petitioner was not apprehended on spot. The name of the  
petitioner has come into light on the basis of confessional  
statement of apprehended co-accused. No incriminating article



has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has no concern either with the seized vehicle or with the wine in question. The petitioner is in custody since 29.01.2024 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maker P.S. Case No. 115 of 2020.

**(Rudra Prakash Mishra, J)**

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