

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37876 of 2024**

Arising Out of PS. Case No.-36 Year-2024 Thana- JANDAHA District- Vaishali

Musai Rai, aged about 46 years, Male, Son of Late Bahuram Rai, Resident of  
Village- Mutturzapur, P.S.-Mahisaur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

2      22-05-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Jandaha P.S. Case No. 36 of 2024 instituted for the offences  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2018.

3. As per the prosecution case, total 1061.175 liters of  
India made Foreign Liquor was recovered from the courtyard of  
Gulab Rai.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence and has  
falsely been implicated in this case due to previous dispute with  
co-accused Anuj Rai. He further submits that petitioner was  
neither arrested at the spot nor the illicit wine has been



recovered from the conscious possession of the petitioner or from his house. He has been made accused only on the basis of confessional statement of co-accused Anuj Rai. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 14.04.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur dated 02.05.2024, it appears that petitioner is named in the FIR and his name has been surfaced only on the basis of confessional statement of co-accused Anuj Rai. Similarly situated co-accused person namely, Mithu Rai @ Mithu Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 26951 of 2024 vide order dated 18.04.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on 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. 1, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 36 of 2024.

7. The trial Court is directed to conclude the



proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Anand Kr.

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