

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40398 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- DIGHWARA District- Saran

Naresh Ray @Naresh Rai S/O Ramji Ray R/O Village Pojhi, P.S. Derni,
Distt-Saran, Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Dighwara P.S. Case No. 131 of 2024 registered for the

offences under Section 30 (a) of the Bihar Prohibition

and Excise Act.

3. The petitioner is named in the F.I.R. and is

in custody since 01.05.2024.

4. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 132 litres of IMFL/country



made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from a tempo, where petitioner is a driver. It is further submitted that vehicle in issue is a public carrier, suggesting that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

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

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor appears to be made from public carrier, where seizure list also appears doubtful, coupled with the fact as petitioner is in custody since



01.05.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Dighwara P.S. Case No. 131 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Court Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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