

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57748 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- ATHMALGOLA District- Patna

Rakesh Ray, Son of Jimedar Ray, Resident of Village - Nayatola Sabnima,
Police Station - Athmalgola And District – Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-12-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Athmalgola P.S. Case
No. 137/2024, registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 127 litres of IMFL/country made liquor from the
possession of petitioner.

4. Learned counsel appearing on behalf of the petitioner
submitted that the name of this petitioner transpired on the basis



of disclosure made by apprehended co-accused persons, which clearly suggest that alleged recovery of illicit liquor was not made from physical possession of this petitioner. It is submitted that though petitioner found involved in two similar nature of cases, but he is on bail in those cases. While concluding the argument, it is submitted that the seizure list witnesses are local chaukidar and not independent witnesses, further making entire recovery of illicit liquor doubtful.

5. Learned APP while opposing the prayer of bail submitted that petitioner was found involved in two more criminal cases but he could not disputed the fact as submitted above by learned counsel appearing for the petitioner.

6. Considering the aforesaid facts and circumstances which *prima facie* creates a doubt *qua* recovery of illicit liquor from the physical possession of petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Barh, Patna/concerned Court, where the case is pending in connection with Athmalgola P.S. Case No. 137/2024, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.,
with further conditions that:-

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

(ii) 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.

(Chandra Shekhar Jha, J)

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