

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67090 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

VAIDHNATH RAY @ BAIJNATH RAY @ VAIJNATH KUMAR S/o-
YADUWANSH RAY Village- Uttri Dhamaun Ps- Shahpur Patori Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 13-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner has preferred this application for
grant of regular bail in connection with Shahpur Patori P.S. Case
no. 428 of 2023 registered under section 30(a) of the Excise Act,
2016.
3. As per the prosecution case, the informant states
that on a raid being conducted while two accused persons
managed to escape, one Birju Mahto was caught and 80 litres of
country liquor was recovered. It is further stated that the
accused caught disclosed the name of the accused who had



manged to escape which included the petitioner herein. It is stated that on inquiry, the accused who was caught disclosed that it was the petitioner and one other accused who supply liquor which is sold by the son of the accused who was caught.

4. Learned counsel for the petitioner submits that from the F.I.R itself it would be evident that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. He has neither any connection with the alleged article seized nor place of seizure. The only material against him is the statement of co-accused made before police and the cause of his false implication is his antecedents. The petitioner is in custody since 6.4.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R, his not having been arrested at the spot nor any incriminating article having been recovered from his possession, his being in custody since 6.4.2024 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Shahpur Patori P.S. Case no. 428 of 2023, on furnishing bail bond of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Special Judge Excise, Samastipur.

(Partha Sarthy, J)

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