

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76203 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- Excise P.S. District- Siwan

Suresh Ray S/O Late Yogendra Ray Resident of Village - Kali Tola Sughari,
P.S. - Bhagwanpur Hat, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Maharajganj Excise P.S. Case No. 132 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, excise officials received secret information about petitioner and co-accused storing and selling illicit liquor from their house. Two persons tried to flee away on seeing the excise team throwing a plastic bag. Both of them were chased and one of them was apprehended who is stated to be the petitioner of this case. On search of the house of petitioner, from the courtyard, recovery of 60.480 litres of foreign liquor and 30 litres of *chulai* liquor was made. From the



bag left behind by the co-accused, recovery of 34.560 litres of foreign liquor was made.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Though the petitioner is said to be apprehended from the spot but nothing incriminating has been recovered from his conscious possession. Recovery of 90.480 litres of liquor has been shown from the courtyard of the house of the petitioner but the petitioner has no concern with the allegedly seized liquor. The petitioner is in custody since 18.09.2024 and is having clean antecedent.

5. Learned A.P.P. for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner coupled with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-II, Siwan/concerned court in connection with Maharajganj Excise



P.S. Case No. 132 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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