

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74927 of 2024

Arising Out of PS. Case No.-477 Year-2021 Thana- SAHPUR District- Patna

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1. Dharmendra Rai S/o Late Guru Rai @ Guru Prasad Rai R/o vill- Ganghara (Deochandra Bhagat ka tola), P.S. - Shahpur, Distt. - Patna
 2. Vijay Rai S/o Late Keshav Rai @ Kesho Rai @ Ram Keshwar Rai R/o vill- Ganghara (Deochandra Bhagat ka tola), P.S. - Shahpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Shahpur P.S. Case No.477 of 2021, registered for the offence punishable under Sections 30(a), 30(c), 32(iii), 34, 36, 41, 56 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in brief, is that on 21.12.2021, the police received a secret information that both the petitioners along with 7 other accused persons are manufacturing and selling illicit liquor and for that purpose they keep spirit and raw materials in their field as well as in their houses and Community Centre. To verify the same, when the police went at the



Community Centre at Village-Ganghara, some miscreants managed to escape after seeing the police and on search, a huge amount of empty bottles of different companies, pouches, bar code rapper, cap of bottles sealing machines and 35 litres of spirit has been recovered by the police. Thereafter the police went at the house of one Raju Rai where on search 85 litres of spirit and huge amount of bottles, rappers and their caps have been recovered and three ladies were apprehended. On the instance of the statement of the apprehended lady, the search was also made at the house of one Manish Kumar and on search, many manufacturing articles as well as 35 litres of spirit has been recovered.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious possession of the petitioners or from their house. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is totally false and based on concocted facts. They were not apprehended on the spot. Their names have been transpired in the present case merely on the basis of secret information. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para 3 of the bail application and they



have been languishing in judicial custody since 05.09.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since from bare perusal of the FIR, it is evident that the petitioners are members of the syndicate involved in manufacturing and selling of illicit liquor, I am not inclined to enlarge them on bail. The prayer for bail is hereby rejected.

7. Accordingly, this application stands dismissed.

8. However, the petitioners would be at liberty to renew their prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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