

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6587 of 2025

Arising Out of PS. Case No.-1055 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Sanjay Rai @ Sanjay Arya Son of Ramji Rai Resident of Village- Dighi Kala,
West Adalpur, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 1055 of 2021, registered for the offences under Sections 420, 272, 273 of the Indian Penal Code and Section 30(a), 32(2), (3), 33, 41 and 47 of the Bihar Excise Act.

3. As per the prosecution case, information was received about a truck loaded with liquor standing at certain identified place and a raid was conducted and recovery of 2664 litres of illicit liquor was made from the truck. Four persons were apprehended from the spot who tried to flee away on seeing police party while one miscreant made good his escape. The petitioner is stated to be the person who fled away from the



spot.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case in disclosure statement of co-accused Ganesh Kumar Jha who was apprehended by the police from the place of occurrence. However, the petitioner has no concern with the apprehended co-accused. Nothing incriminating has been recovered from person or possession of this petitioner. The petitioner has no concern either with the seized liquor or the truck from where the recovery has been made. The petitioner is in custody since 24.12.2024 and is having antecedent of nine cases and he is on bail in all cases except one. The co-accused Upendra Singh who was arrested from the spot has been granted bail by this Court vide order dated 01.07.2024 passed in Cr. Miscellaneous No. 12823 of 2022.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that huge quantity of illicit liquor was seized and the petitioner is stated to be involved in illicit trade of liquor.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the



fact that the petitioner was not apprehended from the spot and no recovery of any incriminating article from the person or possession of the petitioner and further considering the grant of bail to co-accused person who has been apprehended from the spot, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned court, in connection with Hajipur Sadar P.S. Case No. 1055 of 2021, subject to the condition laid down under 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, if so required by the learned trial court.
- (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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