

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21853 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- GANGABRIDGE District- Vaishali

SURYADEO RAY @ SURYDEV RAI, Male, aged about 58 years, Son of
Late Ram Briksh Rai, Resident of Village - Terasia, P.S.- Ganga Bridge
Hajipur, Distt – Vaishali ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No2, Adv.
For the Opposite Party : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
31.12.2018 in connection with Ganga Bridge P.S. Case No. 143
of 2018 for the offences alleged under Sections 30(A), 38 and
47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that several persons are
dealing in illicit liquor, the police conducted a raid at the house
of various persons, i.e., co-accused, Ram Naresh Rai, Raja Ram,
Ram Pravesh Rai, and the petitioner and huge quantity of illicit
liquor was recovered, but, the petitioner and other co-accused
managed to flee away. From the house of the petitioner 1704.50
liters of illicit foreign liquor was recovered. Accordingly, a
seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, the illicit liquor was not recovered from the conscious possession of the petitioner and the house from where the illicit liquor was recovered was in an abandoned condition. He submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. It is, further, submitted that one of the co-accused, Ram Naresh Rai, from whose house 5000 liters of illicit liquor was recovered, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 21325 of 2019, dated 09.04.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that on similar allegation one of the co-accused has been granted bail coupled with the fact that the petitioner does not have any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ganga Bridge P.S. Case No. 143 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge,



Vaishali at Hajipur. or the successor Court subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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