

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32947 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- KHAJEKALA District- Patna

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Ramdayal Yadav @ Ram Dayal Ray son of Ram Prasad Ray, Resident of Begum Ki Havali, Patna City, Kali Asthan, P.O-Jhauganj, P.S-Khajekalla, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Khajekalla P.S. Case No.81 of 2019 registered under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act (Amendment), 2018.

It is submitted by the learned counsel for the petitioner that the petitioner has been made accused in the instant case merely on the basis of confession made by co-accused Raju Mahto before the police. The said Raju Mahto along with Kishun Mahto has already been granted bail by a Bench of this Court vide order dated 04.04.2019 passed in Cr.



Misc. No.20904 of 2019. It is further contended that as far as the petitioner is concerned there is neither any recovery from his conscious possession nor any other material to connect him with the offence alleged.

Learned counsel for the State has opposed the prayer for grant of bail to the petitioner. However, he conceded that co-accused Raju Mahto from whose possession illicit liquor is alleged to have recovered has already been granted bail by a Bench of this Court.

Considering the facts and circumstances of the case, the petitioner, who is in custody since 28.03.2019, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Patna in connection with Khajekalla P.S. Case No.81 of 2019 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

Md. S/-

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