

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 17404 of 2020**

Arising Out of P.S. Case No.-473 Year-2019 Thana- PATORI District- Samastipur

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Ram Babu Ray @ Ram Babu Rai age about 55 years (M) S/o Late Yugal Ray, R/o village- Baghara Mohanpur, P.S.- Shahpur Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the State : Mr. Mritunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 29-05-2020**

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Kumar, learned counsel for the petitioner and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Shahpur Patori PS Case No. 473 of 2019 dated 28.12.2019



instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 and 272, 273/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he, along with the driver and another person, tried to run away from the Bolero vehicle belonging to the petitioner and were caught after chase and from the vehicle, on search, 88.560 litres of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that due to typographical error, it has been typed in paragraph no. 4 that 4830 litres of foreign liquor was recovered from the vehicle but the actual amount is 88.560 litres. Learned APP has verified the fact after going through the seizure list. Accordingly, the typing error stands corrected.

6. Learned counsel submitted that the petitioner was the owner of three vehicles but because with regard to the other two vehicles, the drivers had misused the vehicle and two cases were registered, in which he has also been made an accused, due to which he was forced to sell those two vehicles and now he has only the present vehicle, which is the source of livelihood for his family. It was submitted that the so called recovery was not from the conscious possession of the petitioner and he has been falsely implicated. Learned counsel submitted that the driver and another



person are also said to have been arrested and because the petitioner's vehicle was hired locally, he was not aware of the presence of liquor in his vehicle. It was further submitted that the petitioner is in custody since 09.02.2020.

7. Learned APP submitted that the vehicle belonged to the petitioner and he was also present in the vehicle and tried to run away and was caught by the police.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge (Excise), Samastipur in Shahpur Patori PS Case No. 473 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or



being absent on two consecutive dates, without sufficient cause,  
shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the  
aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar/Anand Kr.

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