

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24190 of 2020

Arising Out of PS. Case No.-86 Year-2019 Thana- MANIGACHI District- Darbhanga

Rajesh Roy @ Rajesh Ray S/O Jagdish Roy Residence of Vill/Mohalla -
Mahthaur, P.S. - Manigachi, Distt. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Ganesh Pd.Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 21-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in G.O. Case No. 458 of
2019, arising out of Manigachi P.S. Case No. 86 of 2019,
registered for the offence under Sections 272, 273, 34 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition and
Excise Act.

228 bottles of country-made wine, each containing
300 ml. (total 68.400 liters), are said to have been recovered
from the orchard of co-accused Shambhu Rai and on his
disclosure, petitioner has been made accused.

It is submitted on behalf of petitioner that petitioner is
innocent and has committed no offence and has falsely been
implicated in this case. Nothing has been recovered from
conscious possession of the petitioner. It is further submitted



that recovery has been made from the orchard of co-accused Shambhu Rai. Petitioner has got no concern with the aforesaid recovery and he is in custody since 19-02-2020.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise Act, Darbhanga in connection with G.O. Case No. 458 of 2019, arising out of Manigachi P.S. Case No. 86 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J)

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