

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14661 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- MADHWAPUR District- Madhubani

SANJAY RAY S/o Late Sita Ram Ray R/o village- Madhubani Chowk, Ward
No.- 8, P.S.- Pupari, District- Sitamarhi Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rehman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Syed
Mojibur Rehman, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Madhwapur P.S. Case No. 150 of 2020
corresponding to G.R. No. 1678/2020 registered for the offences
punishable under Sections 272, 273, 341, 342, 323, 353, 188, 379,
504, 506/34 of the Indian Penal Code and Section 30(A)/45 of Excise
Act.

Learned counsel for the petitioner submits that as per the
prosecution story, total 7.875 litres illicit liquor has been recovered
from the possession of this petitioner Sanjay Ray.

Learned counsel submits that the petitioner is innocent and
has falsely been implicated in the present case. It is submitted that



nothing has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 15.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, the submission that allegedly from the possession of this petitioner small quantity of liquor is said to have been recovered, the petitioner has no criminal antecedent and has remained in jail in connection with the present case for over six months, investigation against him is complete but the trial is not likely to be taken place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge (Excise), Madhubani in connection with Madhwapur P.S. Case No. 150 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make



and 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

