

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16860 of 2021

Arising Out of PS. Case No.-695 Year-2019 Thana- SARAIYA District- Muzaffarpur

UMESH RAY Son of Late Nathuni Ray Resident of Village- Aswari
Banjariya, P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.
For the Opposite Party/s : Mr.Tarun Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Saraiya P.S. Case No.695 of 2019, registered for the offence punishable under Sections 420, 467, 468, 120B, 272, 273/34 of the IPC and section 30(a), 38 of Bihar Prohibition and Excise Act, 2018.

Altogether 3999.720 liters of foreign liquor is said to have been recovered from four different vehicles. Drivers of the said vehicles were apprehended. Driver of the truck has disclosed the



name of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the F.I.R. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. The petitioner has not been arrested on the spot rather his name was disclosed by the driver of the seized truck. Petitioner has been falsely implicated in this case due to ill motive of police personnel. Petitioner is neither the owner of the alleged seized liquor nor the owner/driver of the seized vehicle. Similarly situated several co-accused persons have been granted bail by different co-ordinate Benches of this court. Petitioner has no criminal antecedent and has been languishing in custody since 24.11.2020.

Petitioner is agreed to deposit a sum of Rs. 25,000.00 (Rupees Twenty Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let



the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Saraiya P.S. Case No.695 of 2019 with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00 (Rupees Twenty Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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