

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18241 of 2021**

Arising Out of PS. Case No.-443 Year-2020 Thana- PATORI District- Samastipur

RAM BABU RAY @ RAM BABU RAI Son of Late Yugal Ray Resident of
Village - Uttari Dumari Mohanpur, P.S.- Shahpur Patori, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ajay Kumar, Advocate

For the Opposite Party/s : Ms Anita Kumari Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Shahpur Patori Police
Station (for brevity, PS) Case No 443 of 2020 instituted for the
offence punishable under Sections 272, 273 of Indian Penal
Code and Section 30 (a) of Bihar Prohibition and Excise Act,
2016.

There is recovery of 1166.400 liters of illicit liquor
from a tanker of the truck which was being unloaded behind the
petitioner's house.

Learned counsel for the petitioner submits that merely
because the recovery is from behind his house, the petitioner has



been implicated in this case by the persons who have been caught while unloading the illicit liquor. He has no concern with the recovery and his implication is based on his two criminal antecedents, as per disclosure made in paragraph 3 of the petition. Even, as per prosecution case, there is no recovery of any illicit liquor from his possession nor he has been arrested at the time and place of recovery. He is in custody since 12.01.2021. Co-accused Dilip Ray has been allowed bail by this Court in Cr Misc No 18189 of 2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -cum- Special Judge (Excise), Samastipur in connection with Shahpur Patori PS Case No 443 of 2020/Computer Reg No 1394 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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