

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18921 of 2021**

Arising Out of PS. Case No.-103 Year-2020 Thana- MOTIPUR District- Muzaffarpur

BALESHWAR RAY SON OF BHIKHAR 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

For the Opposite Party/s : Mrs. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Motipur P.S. Case No. 103
of 2020, registered for the offence punishable punishable under
Section 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act,
2018.

225 litres of foreign liquor has been recovered from a
pickup van and co-accused Shatrughan Rai who is driver of the
vehicle was apprehended on the spot who disclosed that the
liquor belonged to three accused persons including this
petitioner, who were escorting him on motorcycle.



It is submitted that no recovery has been made from conscious possession of this petitioner. Name of this petitioner has come on the basis of disclosure made by the co-accused Shatrughan Rai who has already been granted bail by this Court vide order dated 18.09.2020 passed in Cr. Misc. No. 24081 of 2020. Petitioner is in custody since 05.12.2020 having no criminal antecedent, as stated in para 3 of the petition.

Considering the fact that no recovery has been made from conscious possession of the petitioner and bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No. 103 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

