

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26966 of 2021

Arising Out of PS. Case No.-458 Year-2020 Thana- BIHIA District- Bhojpur

PREM SHANKAR RAY Son of Awadh Kishor Ray Resident of Village-
Teacher Colony Bihiya Ward No.2, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2021 Heard the parties through video conferencing.

Heard Mr. Patanjali Rishi, learned counsel appearing on
behalf of the petitioner and Mr. Ajit Kumar, learned APP appearing
on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 13.12.2020 seeks
regular bail in connection with Excise Case No. 1954 of 2020
arising out of Bihiya P.S. Case No. 458 of 2020 registered for
offences punishable under Section 272, 273, 420, 120(B) of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

Story of the prosecution in brief is that about 147 litres
of mahua liquor which is a prohibited item was recovered from the



vehicle of the petitioner bearing Registration No. BR 01 GC 7564.

Learned counsel on behalf of the petitioner submits that the petitioner is the owner of the alleged vehicle from which illicit liquor has been recovered. He further submits that it is the driver of the vehicle who has done such illegal act. He further submits that there is no criminal antecedent against the petitioner. Petitioner be released on bail.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case, taking into consideration the period of custody and petitioner having no criminal antecedent, however, petitioner is the owner of the vehicle which was seized in course of search. Let the Court below upon being satisfied as to whether there is any criminal case pending against the petitioner or not and upon being satisfied, this Court directs to release petitioner above named on bail on furnishing personal bond of Rs. 2,00,000/- along with bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned IVth Additional Session Judge cum Special Judge Excise, Bhojpur at Ara in connection with Excise Case No. 1954 of 2020 arising out of Bihiya P.S. Case No. 458 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable



property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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