

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28155 of 2021

Arising Out of PS. Case No.-482 Year-2018 Thana- BIHTA District- Patna

HARE RAM RAY Son of Late Kumar Ray @ Rajdeo Ray, Resident of
Pathlaotiya, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Adv.

For the Opposite Party/s : Mr.Anand Mohan Pd. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2021 Heard learned counsel for the petitioner and learned
APP 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 normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act.

Learned counsel for the petitioner submits that earlier
petitioner was allowed anticipatory bail by order dated
08.10.2018 passed in Cr. Misc. No. 55469/2018, he could not
surrender before the learned court below.

It is submitted by learned counsel for the petitioner



that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner, rather there is recovery of total 600 liters of country made liquor from the bank of river. On the basis of confessional statement of co-accused, the petitioner has been made accused in the present case. The petitioner is languishing in custody since 28.01.2021. The petitioner has got no criminal antecedent, which is mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposed the bail petition of the petitioner.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees 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.

Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to be enlarged 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 the learned Court below where the case is pending/ successor Court in connection with Special Case No. 4360/2018 arising out of Bihta P.S. Case No.482/2018; subject



to the following conditions:

(i) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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