

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28542 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- KAUWAKOL District- Nawada

Jay Prakash Ray S/O Radheshyam Ray R/o village- Baghmariya Korari, P.S.-
Sikandra, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 10-12-2021 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for 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 15.01.2021 seeks
bail in connection with Kawakole P.S. Case No.16 of 2021
registered for offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

Prosecution case in brief, is that altogether 155 liters
of *Mahua* wine and English liquor was recovered from the
motorcycle, however, the petitioner fled away after seeing the
raiding team.



Learned counsel appearing on behalf of the petitioner submits that petitioner has a clean antecedent and is not involved in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner.

Learned counsel for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case, learned court below is directed to satisfy himself as to whether any other criminal case or excise case is pending against the petitioner as well as he is required to confirm the owner of two motorcycles bearing registration no. BR46A-1467, Chassis No.MBLHA10EJ8HM04003, Engine No.HA10EA8HMD8005, registration no.JH3466B/2019-206 and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/- (Rupees One Lacs) with two sureties of the like amount each to the satisfaction of learned A.D.J., IInd, cum Special Judge, Nawada in connection with Kawakole P.S. Case No.16 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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